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# Report of the Special Rapporteur on the situation of human rights defenders, Michel Forst

**Addendum**

## Observations on communications transmitted to Governments and replies received*

* The present document is being circulated in the languages of submission only, as it greatly exceeds the word limitations currently imposed by the relevant General Assembly resolutions.

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# Report of the Special Rapporteur on the situation of human rights defenders

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## Introduction

1. The present document is submitted by the Special Rapporteur on the situation of human rights defenders, Michel Forst, to the Human Rights Council, pursuant to resolution 25/18 of the Human Rights Council. The report provides observations on the communications on specific cases addressed by the Special Rapporteur to States, as well as observations on the replies received from States.

2. In November 2017, the United Nations General Assembly adopted the landmark resolution 72/247 on the Twentieth anniversary and promotion of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms. The resolution reaffirms that States have the primary responsibility to promote and protect all human rights and fundamental freedoms of all persons, including human rights defenders. The resolution also stated that promoting respect and support for the activities of human rights defenders is essential to the overall enjoyment of human rights. It also requests the Special Rapporteur to continue to report annually on his activities to the General Assembly and the Human Rights Council, in accordance with the mandate. It is in this spirit that the Special Rapporteur continues to engage actively with States and other actors, addressing allegations of violations committed against human rights defenders, seeking explanations and urging for redress when the situation calls for it.

3. The cases and situations raised by the Special Rapporteur in this addendum include urgent appeals, allegation letters and other letters, issued between 1 December 2016 and 30 November 2017. The press releases included in this report are the ones issued between 1 December 2016 and 31 January 2018.

4. The report contains responses received from States before 31 January 2018. A small number of replies received before 31 January 2017 could not be included because translation of these documents was not available at the time of finalizing the report. Most of the responses by States refer to cases raised by the Special Rapporteur during the period December 2016 to November 2017.

5. For ease of reference, cases have been grouped by region, with countries within each region listed alphabetically according to their names in English. Each communication is referenced in one of six categories: urgent appeal (UA), allegation letter (AL), other letter (OL), joint urgent appeal (JUA), joint allegation letter (JAL) and joint other letter (JOL). This is followed by the date the communication was issued, as well as the case number and the date of the State's reply. The communications included in this report and the replies received from the concerned States, respectively, can be consulted on the following webpage https://spcommreports.ohchr.org.

6. In bold, is a short reference to the allegations contained in the communication in the language of submission. Press releases published during the reporting period are referenced below the communications, with a hyperlink to the statement as uploaded on the OHCHR website. In bold, is the title of the press release in the language of the statement.

7. The Special Rapporteur is grateful to all States, which have transmitted substantive responses to his communications. He considers response to his communications as an important part of cooperation by States with his mandate. He trusts that States who have not provided substantive responses to his communications will do so shortly.

8. The annex of the report contains information on the communications procedure and guidelines on the submission of complaints to the Special Rapporteur.

## Summary

9. Between 1 December 2016 and 30 November 2017, the Special Rapporteur sent 210 communications individually or jointly with other mandate holders of the Human Rights Council, to 79 States and 8 other actors. Of these communications, 99 were urgent appeals and 98 were allegation letters.

10. The Special Rapporteur drew attention to the situation of over 547 people, of whom 130 were registered as women. The report also includes 95 cases consisting of follow-ups on persons, organizations and normative frameworks, which were previously the subject of communications, including press releases.

11. Examined by region, the figures show that 57 communications were addressed to 19 countries in the Asia-Pacific region (27 %); 41 were addressed to 18 countries in the Americas region (20 %); 40 to 12 countries in the Middle East and North Africa (19 %); 30 to 13 countries in Europe and Central Asia (14 %); 34 were addressed to 16 countries in Africa (16 %) and 8 to other actors (4 %).

12. The Special Rapporteur sent 15 communications concerning reprisals taken against groups or persons as a result of their cooperation with the United Nations, its mechanisms or representatives in the sphere of human rights, or international human rights organizations.

13. The Special Rapporteur sent 11 communications concerning draft legislation at the national level that could have a negative impact on the environment in which human rights defenders perform their activities.

14. As of 31 January 2018, 163 replies have been received to 117 communications, (56 % response rate). The response rate had been 44 % in the previous reporting period. Responses to communications, which were received after 31 January 2017 will be reflected in a later communication report.

## AFRICA REGION

15. During the present reporting period the Special Rapporteur sent 34 communications to 16 countries in the African region. He laments the response rate of 15%, which represents a deterioration from the already low number of responses received during the last reporting period. He therefore urges States to engage with the mandate and to cooperate in the construction of a meaningful dialogue with regards to the issues raised in the communications.

16. The Special Rapporteur notes with grave concern widespread reports from the African region regarding alleged enforced disappearances of human rights defenders perpetrated by both State and non-State actors. There is little doubt that such disappearances are directly connected to the important and valuable work carried out by human rights defenders in the pursuit of their peaceful and legitimate aims of protecting and promoting human rights. The Special Rapporteur expresses sincere regret over the effects that such disappearances have on victims themselves, who are often subjected to ill-treatment during their detention, and on other human rights defenders who resultantly scale back or stop their work due to fear for their own safety. Such acts are often State condoned, in order to silence critical and dissenting voices, and are carried out with large degrees of impunity. Effective investigations and prosecutions of enforced disappearances in many areas remain, unfortunately, the exception rather than the norm. In the vein, the Special Rapporteur wishes to remind States of the rights to life, liberty and security contained in articles 6 and 9 of the ICCPR and urges States to take effective actions to combat enforced disappearances both through the granting of adequate protection to human rights defenders and through the effective investigation and prosecution of alleged offences.

17. Human rights defenders in many African countries are perceived or treated as "traitors" by public officials resulting in a similar perception among the public. Many of them operate in particularly hostile environments, which in many cases have additional implications for the work of woman defenders. Widespread impunity in the case of attacks against defenders is a major concern in many countries and the problem can only be overcome by the presence of strong political will.

18. In this context, the adoption of legislation and policies protecting human rights defenders is of vital importance for a large number of African countries, first and foremost as a tool for preventing attacks against them. Cote d'Ivoire is the first African country to have adopted legislation, which specifically promotes and protects the rights of human rights defenders. The Ivorian Government adopted a decree in February 2017 to implement the Law on the Promotion and Protection of Human Rights Defenders. Cote d'Ivoire's positive example is believed to have produced a positive impact on several countries in the region where engagement from civil society or government institutions has resulted in reflection on adoption of similar legislation.

19. In June 2017, the National Assembly of Burkina Faso adopted a national law protecting and promoting the rights of human rights defenders. The law has now entered into force following its signature and publication by the Head of State. At the end of 2017, Mali became the third African country to strengthen its legal system protecting human rights defenders. On 13 December 2017, the President of Mali enacted the national law on human rights defenders, adopted by the parliament on 13 December 2017. This process can only be welcomed and encouraged by the Special Rapporteur who would like to see more African countries stepping on the path to establishing potent legal frameworks specifically protecting human rights defenders and, more importantly, ensuring their effective implementation.

20. The Special Rapporteur needs to stress the situation of land, environmental and indigenous rights defenders in the region who continue to face threats, harassment, intimidation, enforced disappearances and violence from both State and non-State actors for their work in the search for corporate accountability and in the promotion of human rights. The opposition of land, environmental and indigenous rights defenders to large-scale industrial projects, which have detrimental effects both on communities and on the

environment as a whole, puts them at serious risk of retaliation from the companies whose actions they oppose and from States themselves who often stand to profit from the execution of land exploitation contracts. The Special Rapporteur wishes to highlight the extremely important role that land, environmental and indigenous rights defenders have in the protection of our common environment and sustainable development and urges States to afford them the necessary protection to carry out their work in a safe and enabling environment. The newly adopted General Assembly resolution 72/247 strongly reaffirms the urgent need to respect, protect, facilitate and promote the work of those promoting and defending environmental, land and indigenous rights as they relate to business activity and development, including through corporate accountability.

21. The Special Rapporteur continues to be preoccupied by impediments to the rights of peaceful assembly and association in the region, especially with regards to the violent dispersal of protests, arrests and detention of peaceful participants. Cumbersome practices are being put in place for the registration of NGOs and heavy regulations overseeing their work are other commonly reported problems.

22. Politically turbulent times, including those related to elections, often see a deterioration in the treatment of and protection afforded to human rights defenders and stresses the need to provide continuous and adequate protection to those who take it upon themselves to work for the promotion and protection of human rights.

## Burundi

23. JUA 01/02/2017 Case no: BDI 1/2017 State reply: none to date

**Allégations relatives aux mesures de suspension provisoires et de radiation, de la liste des ONG autorisées à travailler au Burundi, de plusieurs organisations de la société civile burundaise, en particulier, la radiation définitive de la Ligue burundaise des droits de l'homme, ITEKA.**

24. JUA 28/07/2017 Case no: BDI 2/2017 State reply: none to date

**Allégations relatives à la perquisition, aux saisies et à l'arrestation effectuées à l'encontre de M. Germain Rukuki, un défenseur des droits de l'homme Burundais.**

25. Press Release 2/6/2017

**Burundi: UN experts raise alarm at growing repression of NGOs and human rights defenders.**

26. Press Release 8/25/2017

**Burundi: Les experts de l'ONU appellent à la libération de Germain Rukuki, défenseur des droits de l'homme Burundais.**

27. Le Rapporteur spécial regrette, qu'au moment de la finalisation du présent rapport, aucune réponse n'ait été reçue aux communications envoyées, en dépit de l'urgence et de la gravité des situations alléguées. Il demande au Gouvernement de coopérer pleinement avec le mandat du Rapporteur spécial.

28. Le Rapporteur spécial continue à exprimer sa profonde inquiétude quant au contexte d'insécurité dans lequel les défenseurs des droits de l'homme au Burundi continuent à exercer leurs activités. Il est gravement préoccupé par des allégations de menaces de mort et d'actes de disparition forcée concernant plusieurs défenseurs des droits de l'homme au Burundi, qu'il a reçus au cours de l'année. Au-delà de mesures administratives qui viseraient les organisations de défense des droits de l'homme, une série de menaces contre les dirigeants et les membres de ces organisations se serait accrue au cours des dernières années. Beaucoup d'entre eux auraient été forcés de quitter le Burundi après avoir reçu des menaces de mort.

29. La détention semble-t-il arbitraire de M. Germain Rukuki, un défenseur de droits de l'homme Burundais, reste un sujet de préoccupation majeur pour le Rapporteur spécial car cette arrestation est en toute vraisemblance étroitement liée à ses activités de défense des

droits de l'homme. Le Rapporteur spécial réitère ses demandes faites aux autorités burundaises de libérer M. Rukuki, de garantir en toutes circonstances son intégrité physique et psychologique, et de veiller à ce que les procédures engagées à son encontre, soient conduites dans le respect du droit à un procès équitable.

30. Le Rapporteur spécial est également préoccupé par des allégations relatives aux mesures de suspension provisoire et de radiation de la liste des ONG autorisées à travailler au Burundi, de plusieurs organisations de la société civile burundaise, y compris, la radiation définitive de la Ligue burundaise des droits de l'homme, ITEKA, organisation membre de la FIDH. Les effets négatifs que ces décisions vont avoir sur le travail des défenseurs des droits de l'homme au Burundi pourraient être plus que considérables.

31. Depuis le 24 octobre 2016, la Ligue ITEKA faisait l'objet d'une mesure de suspension provisoire pour « perturbation de l'ordre et de la sûreté de l'État » aux côtés de quatre autres organisations : SOS-Torture/Burundi, qui collabore sur le terrain avec l'Organisation mondiale contre la torture (OMCT), la Coalition de la société civile pour le monitoring électoral (COSOME), la Coalition burundaise pour la CPI (CB-CPI) et l'Union burundaise des journalistes (UBJ). Cinq autres organisations avaient fait l'objet d'une radiation définitive : le Forum pour le renforcement de la société civile (FORSC), le Forum pour la conscience et le développement (FOCODE), l'Action chrétienne pour l'abolition de la torture (ACAT), l'Association burundaise pour la protection des droits humains et des personnes détenues (APRODH) et le Réseau des citoyens probes (RCP).

32. Au cours du mois de décembre 2016, la Ligue ITEKA a publié plusieurs rapports d'enquête sur la poursuite de crimes graves dans le pays, notamment les exécutions extrajudiciaires, les enlèvements, les disparitions forcées, les actes de torture, les viols et les détentions massives, mettant en cause la responsabilité des autorités au plus haut niveau de l'État. Le Rapporteur spécial se préoccupe du lien étroit entre les activités menées par la Ligue ITEKA et le décret ministériel du 21 décembre 2016 par lequel la Ligue ITEKA a définitivement été exclue de la liste des associations non gouvernementales au Burundi.

33. Le Rapporteur spécial est également inquiet en ce qui concerne les mesures législatives, adoptées les 23 et 28 décembre 2016, visant à contrôler les opérations et les modalités de financement des organisations de la société civile burundaise et internationale. Ces mesures soumettent, entre autres les ONG locales, à une autorisation préalable du ministre de l'Intérieur pour exercer toute activité et obligent les ONG étrangères à se conformer aux priorités définies par le Gouvernement.

34. Le Rapporteur spécial regrette l'invocation abusive du maintien de l'« ordre public » pour restreindre les activités des organisations de la société civile ainsi que les accusations d'« atteinte à la sécurité nationale » pour viser l'exercice légitime de la liberté d'expression et de la liberté d'association. Ces accusations sont susceptibles de mener à de lourdes peines d'emprisonnement et ont pour effet de dissuader les autres défenseurs des droits de l'homme de mener leurs activités légitimes dans le cadre de leur travail au Burundi. Il tient à mettre en garde contre l'utilisation abusive de la législation visant à entraver le travail des défenseurs des droits de l'homme. Ces pratiquent nuisent aux obligations internationales du Burundi, notamment aux obligations garanties par les articles 19 et 22 du PIDCP. Elles sont aussi en contradictions avec les articles 5, 6 et 12 de la Déclaration sur le droit et la responsabilité des individus, groupes et organes de la société de promouvoir et de protéger les droits de l'homme et les libertés.

## Cameroon

35. JUA 16/12/2016 Case no: CMR 2/2016 State reply: 27/01/2017 and 12/04/2017

**Allégations de torture, d'usage excessif de la force par les forces de l'ordre, d'arrestations et de détentions arbitraires à l'occasion de manifestations, en particulier celles du 28 novembre et 8 décembre 2016.**

36. JAL 01/03/2017 Case no: CMR 1/2017 State reply: 08/05/2017

**Allégations concernant l'arrestation, de détention arbitraire et d'acharnement judiciaire à l'encontre des membres de l'Association de développement de la jeunesse d'Esu (EYDA), et de leur avocat.**

37. JUA 10/02/2017 Case no: CMR 3/2017 State reply: none

**Allégations relatives à la détention arbitraire de M. Felix Agbor-Balla Nkongho, avocat camerounais et défenseur des droits de l'homme.**

38. JUA 10/11/2017 Case no: CMR 4/2017 State reply: none

**Allégations de torture, d'usage excessif de la force par les forces de l'ordre ainsi que de violations des droits à la liberté de réunion pacifique et d'expression, lors de manifestations s'étant déroulées depuis novembre 2016.**

39. JUL 26/10/2017 Case no: CMR 5/2017 State reply: none

**Allégations concernant des attaques physiques, menaces de mort et actes d'intimidation et de harcèlement contre Mme Maximilienne Ngo Mbe et Mme Alice Nkom, deux défenseurs des droits de l'homme camerounais.**

40. Press release 17/11/2017

**Cameroon: Les droits de l'homme au Cameroun doivent être respectés pour mettre fin au cycle de la violence - experts de l'ONU.**

41. Le Rapporteur spécial remercie le Gouvernement de la République du Cameroun pour ses réponses détaillées aux lettres qui lui ont été adressées en date du 16 décembre 2016 et 1 mars 2017. Le Rapporteur Spécial prend note de la « Communication Gouvernementale du Ministre de la Communication » du Cameroun sur ces problématiques, en date du 17 janvier 2017. Il prend également note des explications concernant les mesures prises par le Gouvernement pour la promotion du bilinguisme au Cameroun, ainsi que des actions menées pour apaiser les manifestations survenues dans les régions anglophones du Cameroun. Le Rapporteur spécial considère positivement la réaffirmation par le Gouvernement de son engagement en faveur de l'exercice pacifique des libertés politiques et du respect des droits de l'homme.

42. Le Rapporteur spécial regrette cependant que le Gouvernement n'ait répondu que partiellement aux préoccupations soulevées dans ses communications. Il regrette également qu'aucune réponse n'ait été reçue à ce jour en réponse aux 3 autres lettres, en particulier au regard de la nature urgente et préoccupante des allégations en question. Il encourage le Gouvernement du Cameroun à coopérer pleinement avec les Procédures spéciales du Conseil des droits de l'homme.

43. Ayant pris note des explications fournies par le Gouvernement du Cameroun, le Rapporteur spécial reste très préoccupé par le climat de répression dans lequel se sont déroulées diverses manifestions survenues dans les régions anglophones. Depuis la fin du mois de septembre 2017, la situation dans les régions anglophones s'est en effet aggravée, en particulier parce que les manifestants de la population anglophone ont intensifié leurs manifestations pour protester contre l'inaction du Gouvernement face à leurs réclamations.

44. Le Rapporteur spécial est vivement préoccupé par les arrestations et détentions arbitraires des défenseurs des droits de l'homme commises à l'occasion - ou en marge - des manifestations. À Bamenda le 8 décembre 2016, une manifestation aurait été violemment réprimée. Quatre individus auraient par ailleurs été tués et de nombreux individus arrêtés. De nombreux individus auraient été également arbitrairement arrêtés et détenus à Limbe, Buea, Tiko, Kumba and Bamenda. C'est dans ce contexte que M. Felix Agbor-Balla Nkongho, avocat camerounais et défenseur des droits de l'homme, aurait été détenu arbitrairement. Très actif en ce qui concerne la défense des droits de l'homme au Cameroun et en Afrique, M. Nkongho est président du « Cameroon Anglophone Civil Society Consortium » (CACSC). Le 17 janvier 2017, suite à la publication d'un arrêté ministériel interdisant les activités du CACSC, M. Nkongho a été arrêté dans la ville de Buea.

45. Il rappelle que, dans un contexte de crise politique, les défenseurs des droits de l'homme peuvent devenir la cible d'autorités publiques et de personnalités politiques cherchant à remettre en cause leur crédibilité, et ceci, en raison de leurs positions

dissidentes. Dans ce contexte, il est impératif que les États respectent leurs obligations, en vertu desquelles ils sont tenus de créer et de maintenir, en droit et dans la pratique, un environnement sûr et favorable dans lequel la société civile peut agir sans entrave et en toute sécurité. Le Rapporteur spécial souhaite rappeler la résolution 22/6 du Conseil des droits de l'homme, concernant l'obligation des États de « veiller à ce que les défenseurs des droits de l'homme (…) puissent s'acquitter du rôle important qui est le leur dans le cadre de manifestations pacifiques, (…), à cet égard, à s'assurer que nul ne fasse l'objet (…) d'arrestations et de détentions arbitraires, (…) du recours abusif à des poursuites pénales et civiles (…) ».

46. Le Rapporteur spécial est également préoccupé par le sort réservé à certains membres de l'organisation gouvernementale EYDA, dont l'une des activités vise à défendre le droit à la terre et les droits environnementaux de la communauté Esu, située dans la partie Mechum de la Région Nord-Ouest du Cameroun. Les membres de cette communauté s'opposent à l'accaparement présumé d'une partie de leurs terres par une entreprise agricole, ayant conduit à la destruction de nombreuses habitations et à l'expulsion des membres de la communauté.

47. Le Rapporteur Spécial souhaite souligner que les actions entreprises par les forces de l'ordre doivent être proportionnelles et strictement nécessaires au maintien de l'ordre public. Conformément au droit international des droits de l'homme, nul ne peut faire l'objet d'une arrestation ou d'une détention arbitraire (article 9 du PIDCP). Les allégations rapportées, si avérées, contreviendraient à ces dispositions, ainsi qu'aux dispositions du PIDCP, en vertu desquelles tout individu a droit à la vie, à la liberté et à la sécurité de sa personne.

48. Eu égard aux allégations concernant M. Felix Nkongo et les membres de l'organisation EYDA, le Rapporteur spécial est extrêmement préoccupé par les cas de représailles qui, selon lui, visent à réduire au silence les défenseurs des droits de l'homme agissant dans l'exercice de leur liberté d'expression et d'association, en particulier lorsque ces actions, menées par les autorités, semblent être directement liées au statut d'opposants politiques des défenseurs des droits.

49. Le Rapporteur spécial est gravement préoccupé par les informations reçues concernant des attaques physiques, des menaces de mort et des actes d'intimidation et de harcèlement contre Mme Maximilienne Ngo Mbe et Mme Alice Nkom, deux femmes défenseures des droits de l'homme. Les menaces reçues par les deux individus semblent être liées aux activités associatives de Mme Ngo Mbe au sein du Réseau des Défenseurs des Droits de l'Homme de l'Afrique Centrale (REDHAC), qui a notamment déposé plainte contre l'État du Cameroun auprès de la Commission Africaine des Droits de l'Homme et des Peuples, le 8 mai 2017, en relation avec la situation dans les régions anglophones.

50. Le Rapporteur spécial déplore le harcèlement judiciaire et/ou les violences commises à l'encontre des défenseurs des droits de l'homme. Il fait appel au Gouvernement du Cameroun pour prendre toutes les mesures nécessaires afin de prévenir que de telles actions se répètent et d'assurer un climat propice au travail des défenseurs des droits de l'homme.

## Chad

51. JAL 04/07/2017 Case no: TCD 1/2017 State reply: none to date

**Allégations relatives concernant les poursuites judiciaires à l'encontre de M. Maoundoe Declador, prétendument en relation avec ses activités en tant que défenseur des droits de l'homme ainsi que des allégations concernant le fait que M. Maoundoe Declador aurait été détenu au secret pendant plusieurs jours au mois de mai 2017.**

52. Le Rapporteur spécial regrette qu'au moment de la finalisation du présent rapport, aucune réponse n'ait été reçue concernant la communication envoyée. Il demande au Gouvernement de coopérer pleinement avec le mandat du Rapporteur spécial et encourage à répondre à la lettre envoyée.

53. Le Rapporteur spécial réitère sa vive préoccupation quant à l'arrestation et la détention de M. Declador ainsi qu'aux poursuites judiciaires à son encontre, prétendument liées à ses activités en tant que défenseur des droits de l'homme et à l'expression de son soutien aux organisateurs d'une manifestation publique dans le cadre d'une journée de désobéissance civile. Il rappelle que toute restriction aux droits à la liberté d'expression et de réunion pacifique doit se conformer aux dispositions du PIDCP ratifié par Tchad le 9 juin 1995. Il prie instamment le Gouvernement de veiller à ce que les défenseurs des droits de l'homme puissent travailler dans un environnement sûr et favorable, où ils peuvent mener leurs activités légitimes sans crainte de harcèlement, de stigmatisation, de répression ou de criminalisation de leurs activités, de quelque nature que ce soit.

## Congo

54. JUA 08/03/2017 Case no: COG 1/2017 State reply: none to date

**Allégations d'arrestation arbitraire de M. Modeste Boukadia ainsi que de violences qui auraient été perpétrées par des gardiens de la prison centrale de Pointe-Noire à son encontre.**

## Democratic Republic of the Congo

55. JUA 16/12/2017 Case no: COD 9/2016 State reply: 21/12/2016

**Allégations concernant les arrestations et les détentions arbitraires de cinq défenseurs des droits de l'homme et d'une journaliste ainsi que la mise en place d'un climat général restrictif des libertés d'association, de réunion et d'expression.**

56. JOL 15/11/2017 Case no: COD 2/2017 State reply: none to date

**Concernant le projet de loi «Modifiant et complétant la loi N°004/2001 du 20 juillet 2001 portant dispositions générales applicables aux associations sans but lucratif et aux établissements d'utilité publique».**

57. Press release 19/12/2016

**RDC: Les experts de l'ONU exhortent le gouvernement à lever les restrictions « abusives » imposées aux manifestants pour éviter la violence.**

58. Press release 1/12/2016

**RDC : un pays fragile en sursis alors que le Gouvernement muselle l'opposition.**

59. Le Rapporteur spécial remercie le Gouvernement de la République démocratique du Congo (RDC) pour sa réponse apportée à sa lettre du 16 décembre 2016. Le Rapporteur spécial a pris note des explications fournies dans la réponse du Gouvernement concernant les développements politiques récents dans le pays ainsi que des diverses mesures prises pour assurer le respect des droits et libertés fondamentaux. Il est également heureux de constater que les autorités sont disposées à poursuivre le dialogue avec les mécanismes des droits de l'homme des Nations Unies. Il regrette cependant que le Gouvernement n'ait pas répondu plus spécifiquement aux allégations d'arrestations et de détention arbitraires des défenseurs des droits de l'homme soulevées dans les communications envoyées.

60. Le Rapporteur spécial demeure préoccupé par le climat hostile qui persiste pour les défenseurs des droits de l'homme dans le contexte électoral que connaît le pays. Cette hostilité se manifeste notamment par des restrictions croissantes des droits civils et politiques et des libertés fondamentales, notamment la liberté de réunion pacifique et d'association, la liberté d'expression et d'opinion ainsi que par des arrestations et des détentions arbitraires de défenseurs des droits de l'homme et d'autres actes d'intimidations et de menaces portant gravement atteinte à leurs activités légitimes. Ainsi, en 2017, au moins 768 membres d'organisations de la société civile ont été victimes de violations de leurs droits, soit plus du double des chiffres enregistrés par le Bureau Conjoint des Nations Unies aux Droits de l'Homme (BCNUDH) pour l'année 2016. Dans le cadre de son

programme de « protection individuelle », le BCNUDH a enregistré un nombre croissant de défenseurs des droits de l'homme victimes de menaces et d'autres intimidations (177 en 2017, soit 74% des cas contre 101 en 2016, qui représentait près de 48% des cas). Le Rapporteur spécial réitère ses profondes préoccupations quant au fait que ces violations continuent à affecter des jeunes défenseurs des droits de l'homme appartenant aux mouvements citoyens tels que LUCHA et FILIMBI. Conjointement avec d'autres experts de l'ONU, il a déclaré déplorer le fait que les autorités de Kinshasa appliquent « deux poids deux mesures, permettant aux jeunes pro-gouvernementaux de mener des activités publiques tout en réprimant les voix dissidentes ».

61. Ce climat hostile se traduit aussi au niveau législatif, consacrant un recul significatif pour la défense et la promotion des droits de l'homme en RDC. Le Rapporteur spécial demeure préoccupé par le projet de loi «Modifiant et complétant la loi N°004/2001 du 20 juillet 2001 portant dispositions générales applicables aux associations sans but lucratif et aux établissements d'utilité publique» présenté le 30 octobre 2017, qui, si adopté, porterait gravement atteinte aux droits à la liberté d'expression, de manifestation pacifique et d'association. Par extension, ces atteintes pourraient avoir des répercussions négatives sur la capacité de la société civile à se mobiliser en vue de porter la voie de la population congolaise dans le contexte électoral actuel. En outre, ces libertés sont également mises à mal par la proposition de loi sur la protection des défenseurs de droits de l'homme et de leurs activités en RDC, qui, si finalement adoptée selon le texte voté par l'Assemblée Nationale en novembre 2017, aurait pour effet de restreindre les activités des défenseurs au lieu de les protéger. Cette proposition de loi pourrait notamment instituer une définition très restrictive du « défenseur » (âge, niveau d'étude, appartenance à une organisation reconnue et dûment enregistrée, etc.), en se focalisant sur les devoirs du défenseur et en établissant des sanctions et poursuites pénales à son encontre. Le texte n'étant cependant pas voté dans les mêmes termes que celui que le Sénat avait voté en mai 2017, une commission mixte paritaire se réunit pour aboutir à un texte commun. Toutefois, si aucun accord n'était trouvé, le texte adopté par l'Assemblée nationale primerait.

62. Le Rapporteur spécial demeure également préoccupé par le fait que la liberté d'expression en RDC est de plus en plus menacée par la pénalisation des critiques et de l'opposition, notamment par l'imposition de peines sévères. Il réitère ses préoccupations quant à l'arrestation et la détention arbitraires de Mme Uvon et de MM. Tambwe, Bahati, Kiza, Batiti et Malembe, ainsi que des charges portées contre eux. Ces mesures semblent avoir pour objectif de museler les droits à la liberté d'expression, d'association et de manifestation de la société civile, empêchant la création d'un environnement conduisant à un processus électoral crédible et pacifique. Il note toutefois avec intérêt leur libération, survenue après 20 jours de détention.

63. Le Rapporteur spécial remercie le Gouvernement de la RDC pour son invitation à effectuer une visite en RDC en 2018 reçue en novembre 2017.

## Ethiopia

64. JOL 14/12/2016 Case no: ETH 6/2016 State reply: none to date

**Alleged arbitrary arrest and detention, enforced disappearance and restrictions on the rights of freedom of expression and peaceful assembly under the state of emergency decree and subsequent measures related to Anti-Terrorism Proclamation 652/2009.**

65. The Special Rapporteur regrets that no reply has been received to date from the Government of Ethiopia to his letter, especially due to the serious nature of the allegations, including the enforced disappearance. He encourages the Government to engage in full-fledged cooperation with the mandate holders of the Human Rights Council.

66. The Special Rapporteur is seriously concerned by the allegedly widespread practices of arbitrary arrests and detentions, enforced disappearances, and restrictions severely curtailing the rights to freedom of expression and peaceful assembly that took place in the context of a state of emergency declared through the Anti-Terrorism Proclamation

652/2009 of 9 October 2016. Although the Government lifted the state of emergency in August 2017, it has come to the attention of the Special Rapporteur that a number of people might still be arbitrarily detained. During the state of emergency, numerous sources reported that between 11,607 and 20,000 people were detained in the Oromia and Amhara regions of Ethiopia. It is alleged that the whereabouts of most of these detainees are unknown, and access to information concerning them has been severely limited. Furthermore, where information on detainees is available, detainees allegedly are held in inhumane conditions and denied medical attention, including detainees who are infected with malaria or related diseases. These abuses have taken place in a context shaped by the Proclamation, which strictly prohibits communications, broadcasts, press statements, and other legitimate exchanges of information if they are believed to cause public disturbance or harm the sovereignty, security, and constitutional order of the Ethiopian state. The law similarly restricts peaceful assembly and protests, as any demonstration or public gathering requires permission from the Government, which has created a *de facto* general ban on protests in Ethiopia.

67. The Special Rapporteur continues to be deeply concerned that the Proclamation and related enforcement measures continue to violate the rights of human rights defenders engaged in the legitimate pursuit of human rights activities. He calls upon the Government of Ethiopia to protect and promote the work of human rights defenders and wishes to underline that every human being has the inherent right to life, as well as the right to liberty and security of person. He stresses that the practice of enforced disappearance of human rights defenders violates those rights. Those violations also run counter to the Government's commitment to take all necessary measures to protect the rights and safety of defenders to pursue their work in a "safe and enabling environment" as stated in article 12 of the UN Declaration on Human Rights Defenders.

68. The Special Rapporteur is convinced that the declaration of a state of emergency does not grant Ethiopian authorities *carte blanche* to detain individuals. He reiterates deep concern at the restrictive measures taken by the Government, which do not appear to meet the tests of proportionality and necessity established by law, given that most of the protests carried out since November 2015 are reported to have been peaceful. While States Parties may derogate from their obligations under the ICCPR, when facing a public emergency that threatens the life of the nation, the Special Rapporteur reminds the Government of Ethiopia that derogation is only permitted as required by the exigencies of the situation, provided that such measures reflect the principle of proportionality and are not inconsistent with the State's other obligations under international law (ICCPR article 4(1); CCPR, General Comment No. 29).

69. In light of the foregoing, the Special Rapporteur urges the Government of Ethiopia to carry out investigations into allegations of human rights violations against human rights defenders and their relatives and to prosecute such cases, where appropriate. He also calls upon the Government to reveal the whereabouts of the disappeared and to release human rights defenders who have been arrested for exercising their legitimate rights. More generally, the Special Rapporteur calls on the Government to rescind policies or their application developed in the name of national security and counter-terrorism which serve to criminalize human rights defenders, and to review and amend any relevant provisions to ensure State compliance with its commitments to protect the rights of human rights defenders.

## Gambia

70. JAL 19/01/2017 Case no: GMB 1/2017 State reply: none to date

**Allegations of the shutdown of media outlets and Internet, arrests and threats on the lives of journalists, public officials and civilians expressing divergent views.**

71. The Special Rapporteur regrets that no reply has been received from the Government of Gambia to the letter addressed in the reporting period. He calls upon authorities of Gambia to reinitiate dialogue with the mandate holders of the Human Rights Council.

72. The Special Rapporteur is seriously concerned by the alleged shutdown of media outlets and the Internet, arrests of journalists and media workers, and threats on the lives of public officials who are openly critical of, or in divergence with, the views of President Jammeh in the run-up to and in the aftermath of the presidential elections held on 1 December 2016. Allegedly, from 30 November 2016 to 2 December 2016, the Internet was shut down and international telephone calls were banned prior to and in the aftermath of the election. Several journalists and media workers were also allegedly fired, arrested, or detained, and at least two Senegalese journalists were expelled. Government security forces shut down national radio stations and the Government revoked their licenses, while civilians were arrested for wearing and selling #Gambiahasdecided merchandise.

73. The Special Rapporteur is alarmed by the consequences of these heavy restrictions on the ability of human rights defenders to work in a safe and enabling environment. The Government of Gambia has undertaken to protect the rights of freedom of expression and peaceful assembly and association which form the basis for the rights of human rights defenders to "discuss, form, and hold opinions on the observance (...) of all human rights," and "freely to publish, impart, or disseminate to others views, information and knowledge on all human rights" (UN Declaration on Human Rights Defenders, art. 6). The Special Rapporteur notes that these "unwarranted restrictions" on freedom of opinion and expression, including through the shutdown of internet and radio providers, are often inhibiting human rights defenders from expressing themselves or undertaking legitimate actions. The Special Rapporteur condemns all acts of intimidation, stigmatization and criminalization of defenders as they serve to hinder their peaceful activities, which, in turn, are of heightened importance during periods of political transition.

74. The Special Rapporteur calls upon the authorities of Gambia to create and maintain a safe and enabling environment in which all human rights defenders can operate free from interference, including when undergoing elections and political challenges. He also wishes to refer General Assembly resolution 72/247, adopted in November 2017, which calls upon all States to take all measures necessary to ensure the rights and safety of all persons, including human rights defenders, who exercise the rights to freedom of opinion, expression, peaceful assembly and association, which are essential for the promotion and protection of human rights.

## Guinea-Bissau

75. JUA 23/06/2017 Case no: GNB 1/2017 State reply: none to date

**Des allégations concernant l'usage excessif de la force à l'encontre de manifestants, d'arrestations de plusieurs individus, y compris des défenseurs des droits de l'homme, dans le cadre de rassemblements pacifiques ainsi que de l'existence d'une législation restrictive sur le droit à la liberté d'association en avril-mai 2017.**

76. Le Rapporteur spécial réitère ses préoccupations quant aux allégations d'usage excessif de la force à l'encontre de manifestants ayant souhaité exercer leurs droits à la liberté de manifestation, et aux allégations de menaces de morts et d'attaques à l'encontre des membres d'organisations de la société civile, et en particulier à l'encontre des membres du Mouvement des citoyens conscients et non conformistes. Il demeure sérieusement préoccupé par le maintien du décret ministériel 2/GMAT/2016 complétant la Loi No. 3/92 interdisant les manifestations publiques, qui représente une grave atteinte aux droits à la liberté de réunion pacifique et d'association et au droit à la liberté d'expression. Il est particulièrement inquiet concernant l'interdiction de plusieurs manifestations par les autorités, ainsi que par les nombreux obstacles rencontrés par les organisateurs desdites manifestations.

77. Le Rapporteur spécial souhaite rappeler les dispositions contenues dans les résolutions 24/5 et 15/21 du Conseil des droits de l'homme qui consacrent la responsabilité des États de respecter et de protéger pleinement les droits de réunion pacifique et d'association de tous les individus. Il fait appel au Gouvernement pour prendre des mesures, en conformité avec les normes internationales et régionales des droits de l'homme, pour permettre aux citoyens d'exercer leurs droits à la liberté d'opinion et

d'expression et à la liberté de réunion pacifique en Guinée-Bissau, y compris leur capacité à exprimer pacifiquement des opinions critiques.

## Kenya

78. JUA 01/12/2016 Case no: KEN 6/2016 State reply: none to date

**Allegations concerning the arbitrary detention and judicial proceedings against ten human rights defenders and the ongoing harassment against Mr. Jasper Muruttu.**

79. JAL 06/02/2017 Case no: KEN 3/2017 State reply: none to date

**Allegations concerning the enactment of the Public Benefit Organization Act, hindering the work of the Kenya Human Rights Commission and the overall hostile environment affecting the legitimate activities of civil society organizations.**

80. JUA 27/01/2017 Case no: KEN 4/2017 State reply: none to date

**Alleged enforced disappearance from Kenya of Mr. Dong Samuel Luak and Mr. Aggrey Idri Ezibon, South Sudanese human rights activists, members of Sudan People's Liberation Movement/Army-In Opposition.**

81. JUA 23/02/2017 Case no: KEN 6/2017 State reply: none to date

**Alleged threats, intimidation, and assaults against four environmental human rights defenders who filed a lawsuit for lead pollution.**

82. JUA 26/04/2017 Case no: KEN 7/2017 State reply: none to date

**Allegations of threats and harassment against the Sengwer people and attacks against Mr. Elias Kimaiyo, an indigenous Sengwer human rights defender.**

83. JOL 26/07/2017 Case no: KEN 10/2017 State reply: none to date

**Information concerning the "Guidelines for Prevention of Dissemination of Undesirable Bulk Political SMS and Social Media Content via Electronic Communications Networks", issued by the Kenya National Cohesion and Integration Commission and the Communications Authority of Kenya.**

84. JAL 25/08/2017 Case no: KEN 11/2017 State reply: none to date

**Allegations concerning the recent attempt by Kenyan authorities to deregister and sanction the non-governmental organizations Kenya Human Rights Commission and the African Centre for Open Governance.**

85. JUA 12/10/2017 Case no: KEN 13/2017 State reply: 19/10/2017

**Allegations indicating persistent repression of peaceful protests and the use of excessive force by Kenyan police and security forces during protests, particularly in the context of post-election violence on 11 and 12 August 2017.**

86. Press release 14/02/2017

**Kenya: UN experts urge Kenya to end crackdown on rights groups to ensure fair elections.**

87. Press release 07/08/2017

**Kenya: Kenya must act to ensure peaceful elections, UN experts say on eve of poll.**

88. Press release 16/10/2017

**Kenya: Kenya must lift protest ban and end pattern of police brutality ahead of poll, UN experts warn.**

89. Press release 25/10/2017

**Kenya: UN experts urge restraint on eve of disputed Kenya Election.**

90. Press release 15/01/2018

**Kenya: Indigenous rights must be respected during Kenya climate change project, say UN experts.**

91. The Special Rapporteur thanks the Government of Kenya for the response provided to his letter of 12 October 2017, he acknowledges the information provided in the reply and looks forward to receiving responses to other communication letters sent within the reporting period.

92. The Special Rapporteur notes with deep regret that the reporting period has been marked by continued allegations of shrinking civil society space and significant limitations to freedom of association, assembly and freedom of expression, especially in the context of political elections in Kenya. The Special Rapporteur reiterates his serious concern at the continued allegations of increasing arbitrary arrests, intimidation, and harassment against human rights defenders and their organizations. These practices contribute to fostering a particularly hostile environment for human rights defenders, undermining their ability to conduct their peaceful human rights work in a safe and enabling environment. He has observed a systematic and deliberate pattern to crack down on human rights defenders and civil society groups which challenge governmental policies, educate voters, investigate human rights abuses and uncover corruption.

93. While the Special Rapporteur fully acknowledges the role that State authorities have to play in maintaining public order and ensuring public safety, he remains extremely concerned by the large number of reports of threats, intimidation, inflammatory statements, and mob violence contributing to an increasingly hostile environment toward human rights defenders. The Special Rapporteur regrets that in times of political turmoil, human rights defenders tend to be stigmatized, become targets for public authorities and politicians and face different types of harassment because they raise voices of dissent and advocate for respect of human rights even during the most troubled periods. The Special Rapporteur continues to believe that at times of political instability it becomes of crucial importance to provide defenders with more space to express their grievances and conduct their peaceful and essential human rights activities.

94. The Special Rapporteur notes with serious concern that defenders in Kenya who are promoting and defending rights pertaining to land and the environment, as well as corporate responsibility, often endure threats, harassment, enforced disappearances, intimidation, and violence, which are in addition accompanied with persistent impunity. He wishes to remind the Government of Kenya that it is first and foremost the responsibility of state authorities to uphold and protect indigenous, land, and environmental human rights defenders' rights to freedom of expression, privacy, association, and peaceful assembly, as enshrined in the ICCPR and the UDHR. The Special Rapporteur remains particularly alarmed by the situation of Sengwer people who have been suffering from forced evictions since 2007 from the Embobut forest, where they have lived for almost three hundred years. Since 2014, Kenya Forest Service (KFS) guards have reportedly arrested 52 Sengwer people. In December 2016, 13 Sengwer families were violently evicted from the Embobut forest and their homes were burnt. From 31 March to 2 April 2017, KFS guards allegedly shot people while carrying out evictions. On 2 April 2017, KFS guards chased human rights defender Mr. Elias Kimaiyo while he was taking pictures of burnt houses. They allegedly fired at him, captured him, physically attacked him, and took away his belongings.

95. Harassment of land rights defenders has allegedly also been a pattern in Kenyan rural areas. Over the past five years, community members and land rights activists in Taita Taveta County have faced threats and judicial harassment due to their advocacy for peasant farmers and for accountability for human rights violations. Mr. Jasper Muruttu and Mr. Ramadhan Mathenge, human rights defenders in Taita, have faced intimidation and threats by police. Mr. Mathenge has been subject to multiple arrests and prosecutions.

96. The Special Rapporteur remains also concerned by the lack of application of the Public Benefit Organization (PBO) Act. The PBO Act provides a framework for an enabling environment for NGOs, but has allegedly not been implemented even though on 31 October 2016 the High Court of Kenya ordered the start of its application. There have been no further reports of government authorities following this order. The Special

Rapporteur urges the Government of Kenya to prevent and put an end to harassment and violence faced by human rights defenders, to conduct prompt, effective, and impartial investigations of reported cases of enforced disappearance, arbitrary arrest, attacks, and harassment against defenders, and to initiate disciplinary, civil, and criminal proceedings against perpetrators of these acts.

## Malawi

97. JUA 22/03/2017 Case no: MWI 1/2017 State reply: none to date

**Alleged arbitrary arrest, prolonged detention, and guilty sentencing of eight Tanzanian environmental rights defenders while on a learning mission to Malawi.**

98. The Special Rapporteur regrets that at the time of finalizing this report, no response has been received to his communication letter of 22 March 2017. He expresses serious concern about the violence against indigenous human rights defenders, land, and environmental defenders, including the arbitrary arrest and detention of the individuals who have been subject to a communication letter by the mandate holder.

99. The Special Rapporteur deplores judicial harassment and threats against human rights defenders such as those allegedly carried out by Malawian institutions and authorities against the eight environmental rights defenders. Further concern is expressed at what appear to be unfounded criminal charges filed against defenders and the connected criminal proceedings against them, which the circumstances suggest are in direct retaliation for their investigative human rights work. In this regard, the Special Rapporteur wishes to remind the Government of Malawi of article 2 of the UN Declaration on Human Rights Defenders which states that the State has "a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms … by adopting all steps as may be necessary … to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice". Legislation, policies, and actions that do not conform to this standard risk constraining the work of human rights defenders and creating a chilling effect on activities aimed at promoting human rights.

100. The Special Rapporteur is pleased to have learned that Mr. Briton Mateus Mgaya, Mr. Wakisa Elias Mwansangu, Mr. Majidi Nkota, Mr. Christandusi Ngowi, Mr. Martin Guido Ndunguru, Mr. Wilbert Mahundi, Mr. Rainery Komba, and Ms. Ashura Kyula have been released from custody following the successful appeal of their previous convictions, the decision on which was rendered on 16 October 2017. These environmental rights defenders, working with various civil society organizations including the Tanzania Uranium Awareness Mission, were arrested after they organized a tour to Malawi with the knowledge of the Malawian authorities to gather information on uranium mining and its adverse impacts. On 19 December 2016, the eight environmental rights defenders crossed the Tanzania-Malawi border to visit the Kayekra Uranium Mine. Before making their planned visit to the mine, they were intercepted by Malawian police and taken into custody, though it is alleged that warrants had not been issued for their arrest. They were convicted on 12 April 2017 and given suspended sentences of one month each for "criminal trespassing" and three months each for "conducting reconnaissance without permission". Furthermore, they had been detained since 20 December 2016 in Mzuzu Prison in allegedly overcrowded, unsanitary conditions without private access to counsel or family.

101. The Special Rapporteur welcomes the release of the eight environmental rights defenders, but deplores that they were convicted of crimes initially. The Special Rapporteur urges the Government of Malawi to prevent future occurrences by investigating and holding accountable any State and non-State actors who are responsible for the targeting, arrest, and detention of these human rights defenders. Moreover, he calls upon the Government to take concrete steps to empower and protect indigenous human rights defenders, land, and environmental defenders for the sake of our common environment and sustainable development.

## Rwanda

102. JUA 18/01/2017 Case no: RWA 1/2017 State reply: none to date

**Alleged attempted kidnapping, prosecution, and interrogation of Mr. Robert Mugabe, a journalist and human rights defender, after his cooperation with UN human rights procedures.**

103. The Special Rapporteur regrets that the Government of Rwanda has not replied to his letter date 18 January 2017 and asks the authorities to address the allegations contained in his letter in the near future.

104. The Special Rapporteur reiterates his utmost concern regarding the alleged attempted kidnapping, interrogation, and prosecution of Mr. Robert Mugabe, a journalist and human rights defender. In November 2015, Mr. Mugabe had submitted a report to the UPR of Rwanda before the UN Human Rights Council. In September 2016, he had attended the 33rd session of the Human Rights Council. It is alleged that, in separate incidents occurring on 11 and 12 October 2016, three plain-clothed men stopped and attacked Mr. Mugabe, in an attempt to take away his cell phone, which contained sources used in his journalistic and human rights work. On 14 October 2016, three plain-clothed men, reportedly claiming to be security agents, successfully confiscated his cell phone. In two of these instances, the assailants attempted to kidnap Mr. Mugabe by forcing him into a vehicle. The Rwanda Media Commission reported these attacks to the police, requesting an investigation and measures to ensure his safety. The police subsequently charged Mr. Mugabe of treason and of spreading rumours with intent to undermine the Government, crimes under the Rwandan Penal Code. It is further alleged that, since 23 December 2016, the police had subjected Mr. Mugabe to daily, intensive interrogations lasting from 5-7 hours each. Although these interrogations were ostensibly related to the charges against him, the focus of questioning was on his social media use and his interviews with members of the political opposition.

105. The Special Rapporteur strongly condemns all acts of violence, targeting, and intimidation of human rights defenders as a consequence of their efforts to advocate for and protect human rights, as this threatens the overall promotion of human rights. Of additional deep concern is the fact that these allegations may constitute acts of intimidation and reprisal for Mr. Mugabe's cooperation with the United Nations human rights mechanisms. The Special Rapporteur wishes to underline that acts of intimidation and reprisals against human rights defenders for their cooperation with the United Nations significantly harm long-term goals of cooperation between a country's civil society and the international community.

106. Of additional concern is the fact that the Government appears to be using laws against treason to target the legitimate and free expression of critical views. Under international human rights law, everyone has the right to freedom of expression and to hold opinions without interference, which includes the rights of human rights defenders to discuss, form, and hold opinions on the observance of all human rights and freely to publish, impart, or disseminate to others views, information and knowledge on all human rights", in accordance with article 19 of the ICCPR and article 6 of the UN Declaration on Human Rights Defenders.

107. The Special Rapporteur urges the Government of Rwanda to undertake a prompt, effective, independent, and accountable investigation of the attacks carried out against Mr. Mugabe, and to initiate proceedings against those responsible. He calls upon Rwanda to cease all practices that have the effect of depriving or discouraging human rights defenders from exercising their rights to communicate with United Nations human rights mechanisms. Finally, the Special Rapporteur urges Rwanda to create and maintain a safe and enabling environment in which all human rights defenders can operate free from interference and ensure that legislation, policies, and practices do not undermine the expression of minority or dissenting views or beliefs and do not hamper the work of civil society actors.

## Somalia

108. JUA 16/06/2017 Case no: SOM 1/2017 State reply: none to date

**Allegations of threats of prosecution against Mr. Omar Faruk Osman, Secretary-General of the National Union of Somali Journalists (NUSOJ) and human rights defender, for having organized a public demonstration.**

109. The Special Rapporteur regrets the absence of any reply from the Government of Somalia to the letter addressed by him in the reporting period. He hopes to receive an answer shortly.

110. The Special Rapporteur reiterates his concerns regarding the threats of prosecution and judicial harassment against Mr. Faruk Osman for organizing a public demonstration commemorating the World Press Freedom Day, and for expressing critical views regarding the Somalian Government's policies on press freedom and journalists' rights. He deplores the use of defamation provisions to target the legitimate exercise of freedom of expression by human rights defenders. The Special Rapporteur urges the authorities to refrain from the use of such actions as they have the detrimental effect of limiting the space for journalists, human rights defenders and civil society in general and stalemate the development of the necessary foundations needed for any democratic society.

## South Sudan

111. JUA 27/01/2017 Case no: SSD 1/2017 State reply: none to date

**Alleged detention and enforced disappearance of two South Sudanese nationals, Mr. Dong Samuel Luak and Mr. Aggrey Idri Ezibon respectively on 23 and 24 January 2017 in Nairobi, Kenya.**

112. The Special Rapporteur laments that no reply has been received from the Government of South Sudan to the letter addressed on 27 January 2017, especially given the grave nature of the allegations contained in this letter, and urges the Government to respond in the near future.

113. The Special Rapporteur is gravely concerned by the alleged enforced disappearance, threats and attacks against two South Sudanese human rights defenders Mr. Dong Samuel Luak and Mr. Aggrey Idri Ezibon. Mr. Luak and Mr. Ezibon were living in Kenya at the time of their disappearance. Prior to fleeing South Sudan in 2013, Mr. Luak had received death threats. After having fled to Nairobi, he was brutally attacked by men thought to be linked to South Sudan's security services in Nairobi allegedly for his critical comments regarding the South Sudanese Government. According to available information, Mr. Luak and Mr. Ezibon were last seen respectively on 23 January 2017 in Nairobi town centre and 24 January 2017 in the Kilimani neighbourhood of Nairobi. It has come to the attention of the Special Rapporteur that on 26 January 2017, Mr. Luak and Mr. Ezibon were allegedly deported from Kenya to South Sudan, despite the order against their deportation, and detained in the Juba headquarters of South Sudan's National Security Service. As their current whereabouts remain unknown, both individuals are at great risk of arbitrary detention, torture and ill-treatment.

114. The Special Rapporteur strongly condemns the practice of enforced disappearance of human rights defenders and reminds the Government of South Sudan that the practice violates a number of fundamental human rights, including the rights to life, liberty, and security of person (ICCPR, articles 6 and 9). Furthermore, such acts are incongruent with the State's commitment to take all necessary measures to protect the safety of defenders and their rights to pursue their work in a "safe and enabling environment" as stated in article 12 of the UN Declaration on Human Rights Defenders.

115. The Special Rapporteur urges the Government of South Sudan to undertake prompt, effective, and independent investigations into the whereabouts of the two human rights defenders as well as to take all necessary steps to ensure the physical and psychological security and integrity of both men. In line with its obligations under international law, the

Government is urged to refrain from and prevent all acts of torture and ill-treatment while complainants are in their custody. Finally, the Special Rapporteur calls on the Government to take all necessary measures to ensure that all human rights defenders within the country are provided with the protection that their crucial role merits, in accordance with the UN Declaration on Human Rights Defenders.

## The Sudan

116. JUA 13/12/2016 Case no: SDN 8/2016 State reply: none to date

**Allegations concerning the enforced disappearance, arbitrary arrest and detention, and criminal charges against Mr. Hafiz Idris and Mr. Ibrahim Adam Mudawi.**

117. JUA 09/01/2017 Case no: SDN 1/2017 State reply: none to date

**Allegations concerning the continuing harassment, arbitrary arrest and detention, and criminalization of the activities of six members of the Khartoum Centre for Training and Human Development in connection with their cooperation with international organizations.**

118. JUA 30/03/2017 Case no: SDN 2/2017 State reply: 17/07/2017

**Alleged harassment and verbal attacks against Ms. Shamel Al-Nur, a journalist and human rights defender critical of religious extremism.**

119. JUA 19/07/2017 Case no: SDN 3/2017 State reply: none to date

**Allegations concerning six criminal charges brought against the human rights defenders Mr. Hafiz Idris and Mr. Ibrahim Adam Mudawi, two of which carry either the death penalty or life imprisonment.**

120. JUA 30/03/2017 Case no: SDN 5/2017 State reply: none to date

**Alleged acts of racial discrimination and continuous harassment and violence targeting Darfuri students, including student human rights defenders.**

121. JAL 19/10/2017 Case no: SDN 6/2017 State reply: none to date

**Allegations of torture of Mr. Mohammad Sayyed Ahmad Al-Qasem and Mr. Imam Hasan Taha Al-Waleed, Sudanese nationals and human rights defenders.**

122. The Special Rapporteur thanks the Government of the Sudan for the response sent to his letter of 30 March 2017, though it only partially addresses the concerns raised in the communication letter. The Special Rapporteur regrets that at the time of finalization of this report, no response had been received to the remaining communications sent, especially given the very serious nature of the allegations discussed therein. He encourages the Government to engage in full cooperation with the Special Procedures of the Human Rights Council and looks forward to receiving replies to other letters.

123. The Special Rapporteur notes with regret the ongoing pattern of judicial harassment practices carried out against civil society organizations and human right defenders in the Sudan. He is deeply troubled by information received detailing alleged torture, cruel and inhuman treatment, or otherwise serious ill-treatment of human rights defenders while in detention in the Sudan. These alleged acts are in contravention with the absolute and non-derogable prohibition of torture and other cruel, inhuman or degrading treatment or punishment as codified in article 5 the UDHR, article 7 of ICCPR and articles 2 and 4 of CAT.

124. The Special Rapporteur reiterates his grave concerns about the arbitrary arrest, criminal charges, harassment and impediments to freedom of association and peaceful assembly and freedom of expression, against six members of the Centre for Training and Human Development (TRACKS) in retaliation for the legitimate exercise of their rights under international law. It is alleged that on 22 May 2016, Mr. Khalafalla Mukhtar, Ms. Arwa Elrabie, Mr. Midhat Hamadan, Mr. Alhassan Kheiri, Mr. Mustafa Adam, and Ms.

Imany Leyla Raye were arbitrarily arrested by the Sudanese National Intelligence and Security Service (NISS). Three of them were released on bail during the following weeks, and the six members were charged with crimes carrying the death penalty. A NISS agent accused the six human rights defenders of spying and attempting to bring down the Sudanese Government, as they had been involved in a report on Sudan's human rights situation. According to reports, which have been made available to the Special Rapporteur in March 2017, Mr. Khalafalla Alafif, Mr. Mustafa Adam, and Mr. Midhat Hamdam were released by Sudanese authorities. The Special Rapporteur welcomes the news of their release but reiterates his serious concerns regarding the alleged sentencing of the human rights defenders to one year in prison and a fine for the alleged crimes of "publishing fake reports" and "spying" on the Sudanese government. The Special Rapporteur notes with satisfaction that the Khartoum Central Criminal Court dropped all charges against the remaining three human rights defenders involved in the case.

125. The Special Rapporteur has expressed grave concern regarding the enforced disappearance, arbitrary arrest and incommunicado detention of Mr. Ibrahim Adam Mudawi, the founder of the Sudan Social Development Organization, and Mr. Hafiz Idris, a human rights defender who promotes the rights of internally displaced persons in Sudan. On 24 November 2016, plain-clothes NISS agents arrested Mr. Idris and transferred him to an unknown location where he was held without charges. On 7 December 2016, Mr. Mudawi was also arrested and transferred to an unknown location. It has come to the Special Rapporteur's attention that Mr. Idris and Mr. Mudawi were charged with six crimes against the State, some of which carry the death penalty or life imprisonment. The Special Rapporteur notes with satisfaction that after around eight months of being detained, Mr. Mudawi and Mr. Idris were given a presidential pardon. He nevertheless strongly condemns the incommunicado detention, alleged ill-treatment and the period of arbitrary detention they endured.

126. The Special Rapporteur is seriously concerned with harassment and threats made against Ms. Shamel Al-Nur, a journalist and human rights defender. In February 2017, Ms. Al-Nur published an article criticizing the Government's public health care policy and the Government's higher preoccupation with women's virtue and dress codes than with health care and education. In response, a section of the Sudan's radical Islamists and hard-line media publicly threatened and verbally attacked Ms. Al-Nur. They accused her of apostasy and corrupting the country's values, and incited violence against her. A court case was filed against Ms. Al-Nur for heresy and blasphemy, which carry the death penalty in the Sudan.

127. The Special Rapporteur remains alarmed by the hostile environment in which human rights defenders have to operate in the Sudan. He firmly calls upon the authorities of the Sudan to take concrete steps to prevent and put an end to the arbitrary arrest and detention of human rights defenders, to investigate all claims of enforced disappearances and harassment against them and to initiate disciplinary, civil, or criminal proceedings against the perpetrators to prevent impunity. The Special Rapporteur calls upon the Sudan to cease all practices that have the effect of depriving or discouraging human rights defenders from exercising their rights to communicate with international organizations as well as for advocating for human rights both individually and in association with others on national and international levels.

## Uganda

128. JOL 02/11/2017 Case no: UGA 2/2017 State reply: none to date

**Allegations concerning the entry into force of legislation regulating civil society organizations' activities, which may have a detrimental impact on civil society organizations in Uganda.**

129. The Special Rapporteur reiterates his concerns related to the fact that the 2016 NGO Act and the Regulations issued under its section 55 impose restrictions to civil society organizations and human rights defenders and therefore impinge on the exercise of the rights to freedom of expression and freedom of association, which are guaranteed under international human rights law. Different civil society organizations have also reportedly

raised various concerns regarding sections 30, 40 and 44 (especially the joint reading of sections 40 and 44) of the new Act.

130. The Special Rapporteur wishes to stress some preliminary recommendations made during the second cycle of the UPR of Uganda, which were noted by the Government of Uganda, on the need to amend the Non-Governmental Organizations Act of 2016, to ensure free assembly and association in line with international human rights standards (Recommendation 117.18) and to bring it into conformity with the Constitution and the ICCPR (Recommendation 117.50).

### United Republic of Tanzania

131. JAL 07/11/2017 Case no: TZA 4/2017 State reply: none to date

**Allegations concerning the arrest and detention of thirteen persons, including human rights lawyers, in connection with their participation at consultations on possible strategic litigation challenging the government's ban on drop-in centres serving key populations at risk of HIV.**

132. The Special Rapporteur asks the Government of the United Republic of Tanzania to reply to his letter and address the allegations regarding the arrest and detention of thirteen participants of a workshop on strategic litigation aimed at discussing the Government's public health policies. The detention may have had the aim of preventing those detained from initiating legal proceedings seeking remedy for alleged human rights violations. In addition, the detention had taken place without charges being specified against those detained and may have been arbitrary and illegal. The Special Rapporteur is alarmed that these arrests and detentions could have a chilling effect on civil society involvement on human rights related issues in Tanzania and may deter human rights lawyers and NGOs from providing legal assistance and representation to victims of human rights violations, jeopardizing access to justice and remedy.

## AMERICAS REGION

133. During the present reporting period the Special Rapporteur sent 41 communications to 18 countries in the Americas region, with a response rate of 58.5%. He regrets to observe that, compared to the previous reporting period, this rate has diminished by nearly 20%. While the Special Rapporteur commends some Governments, such as those of Ecuador, El Salvador or Guatemala, for their effort in replying comprehensively to every communication sent, he expresses deep concern for the exceptionally low response rate of Governments with a vast capacity to engage meaningfully with the mandate, such as those of Brazil, Colombia and Peru. He urges these countries to fully engage with the communication procedure and to provide substantive replies to those communications left unanswered until now.

134. As stated in previous Observation Reports, the Americas remains one of the most dangerous regions for human rights defenders in the world. Although the level of risk undeniably varies from country to country, there are certain worrying patters that are present throughout the region, evidenced by the communications covered in this report. Institutional weakness, pervasive impunity, criminalization, social conflicts arising out of mega-projects, and the grave threats posed by non-State actors, such as companies and organized crime, are some of the main trends that arise from the cases taken up by the Special Rapporteur through communications.

135. One of the most critical issues human rights defenders in the Americas face today is the lack of efficient, transparent and independent justice systems to resort to when they are the object of threats or attacks. As the Special Rapporteur has stressed on a number of occasions, impunity sends the dangerous message that there are no consequences for committing crimes against defenders, perpetuating in turn the cycle of violence and

dissuading defenders from filing complaints and the survivors of violations from seeking the support of defenders to advocate for their cause.[1] The causes of this institutional weakness in the region have been seen to be linked, among others, to the lack of independence of the security, investigative and judicial authorities, the absence of accountability and transparency vis à vis civil society and other branches of government, the pervasiveness of corruption and the lack of qualified and professional personnel. The Special Rapporteur thus calls on the Governments in the Americas to acknowledge the depth of the problem and to adopt structural measures to gradually tackle it.

136. Linked to the issue of institutional weakness and impunity is that of criminalization of human rights defenders. In a number of countries, such as Peru, Mexico or Guatemala, defenders are often silenced or intimidated through the deliberate misuse of criminal legislation and the manipulation of the State's punitive power. Cases are filed against defenders based on unfounded allegations or complaints, unchaining lengthy legal proceedings, which damage the reputation of defenders and require them to invest time and economic resources to defend themselves in court. This, in turn, demobilizes them and intimidates other defenders, keeping them from acting and advocating in other cases of human rights violations. In this sense, and in vein with what was said in the previous paragraph, the Special Rapporteur calls on States in the region to take all the appropriate measures to strengthen their justice systems.

137. It has also been observed in several cases addressed below that violations against human rights defenders in the region often involve direct or indirect action by non-State actors, namely private companies and criminal organizations. In cases involving environmental defenders, such as those seen in Brazil, Mexico and Peru, it is often the case that private companies actively threaten defenders, advocating against the impact of their activities, either directly, through third parties or by manipulating feeble state authorities. In other cases, companies employ their financial and legal clout to set off complex litigation strategies seeking to demobilize or criminalize defenders.

138. Organized crime, for its part, represents a risk for defenders in contexts where their work jeopardizes the interests of criminal groups and the authorities lack the capacity or the will to protect them. The Special Rapporteur has observed that defenders advocating for governmental transparency, anti-corruption checks, or for the clarification of grave crimes, such as enforced disappearance, are particularly vulnerable vis à vis criminal groups in certain countries, such as Mexico. As follows, he wishes to stress that States in the Americas region need to undertake efforts to strengthen their security institutions in order to avoid the infiltration of organized crime, and invigorate their justice systems with a view to guarantee that all human rights defenders can resort to the authorities when they find themselves in danger of retaliation by private actors.

139. As in the previous reporting period, the Special Rapporteur received in the course of 2017 two reports on cases of reprisals and intimidation against defenders for cooperation with international human rights mechanisms, including the UN, its representatives and mechanisms. He wishes to remind States of the right of everyone, individually and in association with others, to unhindered access to and communication with international bodies, in particular the United Nations, its representatives and mechanisms in the field of human rights, including the Human Rights Council, its special procedures, the UPR mechanism and treaty bodies, as well as regional human rights mechanisms. He also reiterates his call on States of the region to unequivocally recognize and support the important and legitimate role of human rights defenders in society, and to strongly stand against any attempts at the de-legitimization of their work.

## Bolivia (Plurinational State of)

140. JAL 04/09/2017 Case no: BOL 2/2017 State reply: 15/11/2017

[1] http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21111&LangID=E.

**Alegaciones en relación con diferentes actos de descalificación y hostigamiento por parte de diversas autoridades gubernamentales y universitarias contra el Centro de Documentación e Información Bolivia (CEDIB), así como con el desalojo forzado de las instalaciones que ocupaba en el interior de la Universidad Mayor San Simón (UMSS).**

141. El Relator Especial agradece al Gobierno por la respuesta proporcionada sobre el caso de la evicción del CEDIB de fecha 15 de noviembre de 2017, proporcionando documentos útiles y detalles adicionales sobre los hechos alegados, y señalando la naturaleza privada de la relación jurídica entre CEDIB y la UMSS. Al respecto, el Relator se permite subrayar que, si bien es indudable que los convenios celebrados entre ambos tienen efectos privados, la UMSS tiene el carácter de persona de derecho público en virtud del artículo 92 de la Constitución Política del Estado, y por lo tanto se encuentra directamente obligada por los compromisos en materia de derechos humanos del Estado boliviano. El Relator se permite recordar asimismo el deber de los Estados enunciado en el artículo 12 de la Declaración de los defensores de los derechos humanos, de proteger eficazmente a cualquier persona u organización que reaccione o se oponga por la vía pacífica a violaciones de los derechos humanos perpetrados tanto por los Estados como por grupos o particulares que afecten el disfrute de los derechos humanos y las libertades fundamentales.

## Brazil

142. JUA 30/05/2017 Case no: BRA 5/2017 State reply: none to date

**Allegations concerning a congressional report investigating the National Indian Foundation and the National Institute of Colonization and Agrarian Reform (INCRA), as well as the draft bill to establish the General Environmental Licensing which allegedly reduces environmental protection.**

143. JAL 03/08/2017 Case no: BRA 6/2017 State reply: none to date

**Allegations concerning the killing of 11 human rights defenders claiming respect for land rights in the municipalities of Pau D'Arco and Rio Maria Pará on 24 May 2017 and 7 July 2017, respectively.**

144. JAL 20/11/2017 Case no: BRA 10/2017 State reply: none to date

**Allegations concerning acts of intimidation and threats against environmental human right defenders in relation to their activities against the mining project Minas-Rio in the State of Minas Gerais, as well as the limited capacity and possible bias of the State authorities and the underlying environmental and social impacts of the project.**

145. Press release 08/06/2017

**Brazil: UN and IACommHR experts denounce attacks on indigenous and environmental rights in Brazil.**

146. The Special Rapporteur regrets that, at the time of finalizing this report, no response has been received to any of the letters included in it. He urges the Government to engage in cooperation with the mandates of the Special Procedures of the Human Rights Council, and recalls that the lack of responses impedes any kind of constructive dialogue with the Government that could result in improving the situation of human rights defenders in Brazil.

147. The Special Rapporteur reaffirms his serious concern for the continuous threats and vulnerability of indigenous, environmental and land rights defenders in Brazil, as evidenced by lack of effective protection in the case of the defenders involved in the opposition to the Minas Rio Project. Moreover, he stresses his grave concern about the allegations of killings that occurred in Pau D'Arco on 24 May 2017, which are framed in a larger context of abuses and impunity in the cases of land rights defenders. The lack of prompt, impartial and effective investigation into these killings hinders access to justice for victims and their

relatives, and prevents accountability of perpetrators. Furthermore, it discourages the legitimate work of human rights defenders and silences civil society in issues that are crucial to achieve social justice in Brazil.

## Canada

148. JOL 19/09/2017 Case no: CAN 2/2017 State reply: none to date

**Allegations concerning the undue interference of the Canadian mining company Hudbay Minerals in the legal procedures brought in Peru against Ms. Jennifer Moore and Mr. John Dougherty, in relation to the denunciation of the environmental impact of the company's activities in that country.**

149. The Special Rapporteur regrets that, at the time of finalizing this report, no response has been received to his letter sent on 19 September 2017 to the Government of Canada. The Special Rapporteur remains concerned at the continuous allegations voiced by human rights defenders worldwide regarding the different threats they receive when working in contexts involving mining activities by Canadian companies. These threats, as evidenced by the cases of Ms. Jennifer Moore and Mr. John Dougherty in Peru, often involve criminalization and judicial harassment by the authorities of the country where the conflicts take place, with the active mobilization of resources and undue influences by the mining companies.

## Colombia

150. JUA 20/06/2017 Case no: COL 3/2017 State reply: 19/07/2017

**Alegaciones en relación con el asesinato del Sr. Bernardo Cuero Bravo, defensor de derechos humanos y miembro de la junta directiva de la Asociación de Afrocolombianos Desplazados (AFRODES), así como sobre las amenazas de muerte recibidas por otros miembros de AFRODES.**

151. JAL 19/10/2017 Case no: COL 4/2017 State reply: none to date

**Alegaciones sobre el deterioro de la situación los defensores de derechos humanos en Colombia y el incremento de ataques, intimidaciones y asesinatos en su contra a lo largo del 2017, afectando particularmente a defensores que son líderes sociales, campesinos y personas defensoras que han apoyado el proceso de paz.**

152. El Relator Especial agradece la respuesta del Gobierno de fecha 19 de julio de 2017 al caso COL 3/2017, que detalla las medidas adoptadas y los análisis de riesgo conducidos por la Unidad Nacional de Protección (UNP), y que proporciona información sobre el funcionamiento del mecanismo de protección a cargo de esta Unidad. El Relator Especial lamenta no haber recibido hasta la fecha de elaboración del presente reporte ninguna respuesta a la comunicación identificada bajo el rubro COL 4/2017, y queda a la espera de recibirla a la brevedad posible.

153. El Relator Especial expresa grave preocupación por las alegaciones recibidas de diferentes fuentes sobre el aumento en el número de ataques en contra de personas defensoras de derechos humanos en relación con el ejercicio de sus funciones. En particular, el Relator Especial quisiera hacer énfasis sobre los patrones observados de violencia y amenazas en contra de personas defensoras en el contexto de la implementación de los Acuerdos de Paz, presuntamente atribuibles a grupos armados pos-desmovilización y a grupos criminales. Al respecto, el Relator Especial señala la necesidad de fortalecer la presencia del Estado en zonas rurales anteriormente en poder de las FARC-EP, de garantizar el cumplimiento de los diferentes capítulos de los Acuerdos de Paz, y de robustecer los sistemas de protección a personas defensoras y de acceso a la justicia, en línea con el deber de los Estados de garantizar condiciones que les permitan realizar su trabajo, bajo el artículo 12 de la Declaración de los defensores de los derechos humanos.

## Cuba

154. JAL 19/10/2017 Case no: CUB 1/2017 State reply: 15/12/2017

**Alegaciones de vigilancia, intimidaciones, agresiones físicas y procedimientos judiciales contra la Sra. Leticia Ramos Herrería, miembro de la organización "Damas de Blanco", presuntamente en relación a la expresión de posturas críticas al Gobierno de Cuba, a sus actividades como defensora de derechos humanos, y a su participación en el 157º Período de Sesiones Ordinarias de la Comisión Interamericana de Derechos Humanos.**

155. El Relator Especial agradece la respuesta del Gobierno de Cuba de fecha 15 de diciembre de 2017. El Relator Especial expresa no obstante consternación ante la negación categórica de los hechos alegados en las comunicaciones y ante la descalificación de la Sra. Ramos Herrería como alguien que pretende "subvertir el orden legítimamente establecido" y que "está al servicio de una agenda de cambio de régimen (…)". Relator Especial recuerda al Gobierno que disentir y expresar disidencia de forma pacífica, como lo hacen y lo han hecho las Damas de Blanco por varios años, son derechos básicos y necesarios en un Estado democrático.

156. El Relator Especial reitera su seria preocupación ante las alegaciones referidas en la comunicación CUB 1/2017 contra la Sra. Leticia Ramos Herrería, que se enmarcan en un contexto más amplio de descalificación, represalias, y acoso en contra de defensores de derechos humanos en el país, reflejado también en las comunicaciones enviadas en años previos. El Relator Especial lamenta profundamente la persistencia de tal situación, y la negativa del Gobierno Cubano a reconocer el valor de la labor de los defensores de derechos humanos.

157. El Relator Especial desea asimismo reiterar su solicitud de 2015 de visitar Cuba para obtener una mejor comprensión de la situación de los defensores y defensoras de los derechos humanos en el país. El Relator se pone a disponibilidad de las autoridades para ofrecer la toda asistencia que requieran.

## Ecuador

158. JUA 28/12/2016 Case no: ECU 8/2016 State reply: 07/03/2017

**Alegaciones sobre la decisión del Gobierno del Ecuador de disolver la organización de la sociedad civil Acción Ecológica, en aplicación de los Decretos Ejecutivos 16 y 739, que presuntamente en relación con su apoyo a las comunidades en Morona Santiago involucradas en disputas sobre concesiones mineras.**

159. JAL 24/07/2017 Case no: ECU 1/2017 State reply: 22/09/2017

**Alegaciones sobre amenazas de muerte y acoso contra miembros de la organización apartidista de la sociedad civil Participación Ciudadana, en el contexto de las elecciones presidenciales de abril de 2017.**

160. JAL 03/11/2017 Case no: ECU 2/2017 State reply: 16/11/2017

**Alegaciones de procesos judiciales, intimidaciones y vigilancia contra la Sra. Gloria Hilda Ushigua, así como sobre el asesinato de la Sra. Casiela Dahua Cují, presuntamente vinculados a su activismo en contra de la explotación petrolera en los territorios del pueblo indígena Sápara, en la provincia de Pastaza, en Ecuador.**

161. Press release 30/12/2017

**Ecuador: Expertos de la ONU condenan medidas represivas contra organizaciones de DD HH.**

162. El Relator Especial agradece al Gobierno de Ecuador y a las autoridades competentes las respuestas detalladas a las comunicaciones ECU 8/2016, ECU 1/2017 y ECU 2/2017.

163. Con respecto al caso de la organización de la sociedad civil Acción Ecológica, el Relator Especial observa con satisfacción la decisión del Ministerio de Ambiente de desestimar la solicitud de disolución presentada por el Ministerio del Interior. Asimismo, el Relator celebra la excarcelación del Sr. Agustín Wachapá, si bien reitera su preocupación ante la información de que la prohibición de viajar fuera del Ecuador en su contra sigue en vigor.

164. El Relator Especial agradece las observaciones y la información adicional enviada con respecto al caso de la organización Participación Ciudadana.

165. Por lo que hace a los casos de las Sras. Gloria Hilda Ushigua y Casiela Dahua Cují, el Relator Especial agradece la información proporcionada por el Gobierno de Ecuador en su respuesta del 3 de enero de 2018. El Relator Especial toma nota de la inexistencia de procesos penales abiertos en contra de la Sra. Ushigua, y conmina al Gobierno a tomar todas las medidas necesarias para protegerla y garantizar su labor en favor de los derechos del pueblo Sápara.

166. El Relator Especial toma nota también de la información proporcionada por el Gobierno con respecto al asesinato de la Sra. Dahua Cují, y lamenta que no se hayan llevado acabo las diligencias necesarias para esclarecer las causas de su muerte. El Relator Especial desea recordar al Gobierno que, bajo el artículo 6 del Pacto Internacional de Derechos Civiles y Políticos, es responsabilidad de los Estados prevenir, investigar y castigar todos los casos privación de la vida.

## El Salvador

167. JUA 16/03/2017 Case no: SLV 1/2017 State reply: 22/05/2017

**Alegaciones de ataques y hostigamiento contra [redacted], defensora de derechos humanos en El Salvador y abogada.**

168. JAL 26/05/2017 Case no: SLV 2/2017 State reply: 21/07/2017

**Alegaciones de asesinatos de tres mujeres trans en la ciudad de San Luis Tlapa, así como de actos de intimidación y amenazas contra la defensora de derechos humanos [redacted].**

169. JUA 27/09/2017 Case no: SLV 3/2017 State reply: 07/11/2017

**Alegaciones de amenazas de muerte contra los periodistas de Revista Factum y El Faro, Cesar Castro Fagoaga, Juan Martínez D'aubisson y Bryan Alexander Avelar Rodríguez, tras la publicación de un artículo en línea denunciando presuntas violaciones de derechos humanos por parte de la policía salvadoreña.**

170. El Relator Especial agradece al Gobierno de El Salvador las respuestas proporcionadas a las tres comunicaciones enviadas en el periodo cubierto por este reporte, si bien estima que estas no han sido del todo satisfactorias.

171. El Relator Especial toma nota de las afirmaciones del Gobierno en relación con la ausencia de una autorización previa de parte de [redacted] para promover investigaciones por el delito de amenazas. Sin embargo, el Relator Especial observa que es debido precisamente a las amenazas recibidas que [redacted] no se encuentra en El Salvador, y que no se encuentra en posibilidad de presentarse físicamente ante las autoridades para querellarse. Igualmente, la respuesta del Gobierno omite referirse a las intimidaciones recibidas por parte de elementos de la Policía Nacional Civil, que habrían afirmado que "usted no sabe con quién se está metiendo, tenemos ordenes de proteger a nuestros compañeros". Por otra parte, la respuesta del Gobierno no hace mención de las amenazas y los ataques recibidos por los otros sujetos mencionados en la comunicación, así como de las alegaciones relativas a la intervención del teléfono de [redacted].

172. El Relator Especial agradece la información proporcionada por el Gobierno en relación con las políticas públicas adoptadas por El Salvador en materia de no discriminación hacia la comunidad LGBTI en el país. Al respecto, el Relator Especial quisiera solicitar al Gobierno información adicional sobre las medidas enfocadas a la

protección de las personas defensoras de derechos humanos LGBTI, y en particular sobre los indicadores disponibles relativos a su implementación e impacto. Por otra parte, el Relator Especial quisiera solicitar información sobre los avances en las investigaciones de los homicidios y las intimidaciones contra las personas mencionadas en la comunicación, y en particular en lo que concierne a la [redacted].

173. Sobre el caso SLV 3/2017, el Relator Especial agradece la información proporcionada por el Gobierno en relación a la apertura de averiguaciones y hace un llamado al Gobierno para que se envíe información de seguimiento a la brevedad posible.

174. El Relator Especial desea subrayar su preocupación persistente por la vulnerabilidad de las personas defensoras de derechos humanos en El Salvador. En particular, el Relator Especial hace un llamamiento a las autoridades para fortalecer las capacidades de respuesta e investigación de las fiscalías y ministerios públicos, así como la transparencia de sus actuaciones, de manera que las amenazas e intimidaciones que reciben las personas defensoras de derechos humanos en El Salvador no queden en la impunidad.

## Guatemala

175. JAL 08/02/2017 Case no: GTM 7/2016 State reply: 01/03/2017

**Alegaciones sobre asesinatos, ataques y actos de intimidación contra defensores de derechos humanos, en particular defensores de tierras, territorios y recursos naturales en Guatemala.**

176. JUA 17/05/2017 Case no: GTM 3/2017 State reply: 30/06/2017

**Alegaciones sobre ataques y actos de intimidación en contra del abogado y defensor de derechos humanos Pedro Rafael Maldonado Flores, director del área legal del Centro de Acción Legal-Ambiental y Social de Guatemala (CALAS).**

177. JUA 30/11/2017 Case no: GTM 6/2017 State reply: 15/01/2017

**Alegaciones sobre acusaciones penales en contra del Sr. Jerson Xitumul Morales, que se encontrarían relacionadas con su labor periodística, y que podrían representar medidas de represalia por su colaboración con la Oficina del Alto Comisionado de Naciones Unidas para los Derechos Humanos en Guatemala.**

178. El Relator Especial agradece las respuestas detalladas del Gobierno de Guatemala a los casos GTM 7/2016 y GTM 3/2017, que proporcionan detalles sobre las investigaciones y la aplicación de las medidas de protección para las víctimas, y le solicita que aporte información complementaria sobre los mismos. Asimismo, el Relator Especial agradece la respuesta del 15 de enero de 2018 a la comunicación GTM 6/2017, que aporta informaciones importantes sobre el caso del periodista Jerson Xitumul Morales.

179. Al respecto, el Relator Especial toma nota de la descripción de los hechos a raíz de los cuales se formulan las imputaciones en contra del Sr. Xitumul Morales. Sin prejuzgar sobre su posible naturaleza violenta, el Relator Especial lamenta que la respuesta del Gobierno de Guatemala se limite a pronunciarse sobre la presunta comisión de delitos por parte del Sr. Xitumul Morales y las otras personas involucradas, sin referirse al conflicto social que subyace a los eventos del 3 y 4 de mayo en El Estor.

180. El Relator Especial estima que es responsabilidad del Estado garantizar la salud y la sustentabilidad de las comunidades que se ven afectadas por el desarrollo de proyectos mineros, así como su participación en la toma de decisiones al respecto y la protección del trabajo de las personas defensoras de derechos humanos involucradas en los conflictos sociales que dichos proyectos suscitan, ello en sintonía con el deber enunciado en artículo 12 de la Declaración de los defensores de los derechos humanos. En situaciones como el de El Estor, una respuesta por parte de las autoridades que se limite a criminalizar a miembros de la comunidad por la defensa de sus derechos, no hace sino perpetuar las injusticias y agravar los conflictos sociales. El Relator Especial expresa grave preocupación por el alarmante escenario de ataques sistemáticos a personas defensoras de derechos humanos, caracterizados por asesinatos, secuestros, intimidaciones, amenazas, criminalización y

difamaciones a lo largo de 2016 y principios de 2017. Según informaciones disponibles, en los primeros 11 meses de 2016, se registraron 14 asesinatos, cuatro de ellos mujeres, y 223 agresiones a personas defensoras de derechos humanos en Guatemala. Preocupa principalmente la situación de las personas defensoras de la tierra, el territorio y los recursos naturales, así como el rol de agentes no estatales en estos ataques.

181. El Relator Especial estima que es fundamental, por una parte, poner en práctica una política pública de protección a defensores de derechos humanos que permita coordinar efectivamente acciones entre diferentes autoridades y brindar protección efectiva a las personas defensoras que lo requieran, cuando lo requieran. Asimismo, es clave fortalecer las capacidades y la transparencia de las fiscalías, los ministerios públicos, y el sistema judicial guatemalteco, de manera que todos los crímenes cometidos en contra de personas defensoras sean investigados apropiadamente y que no permanezcan en la impunidad.

182. Por otra parte, y dado el alto índice de ataques y criminalización contra personas defensoras involucradas en la oposición al desarrollo de megaproyectos de iniciativa privada, el Relator Especial considera que es da la mayor importancia revisar los regímenes bajo los cuales son otorgadas concesiones mineras e hidroeléctricas, así como el involucramiento de las comunidades afectadas en la toma de decisiones. El Relator Especial estima que el entorno de permisividad y complicidad de las compañías desarrolladoras con los diferentes niveles de gobierno es la principal fuente de los conflictos sociales que subyacen a las amenazas y la criminalización que enfrentan las personas defensoras en Guatemala.

## Haiti

183. JUA 19/01/2017 Case no: HTI 2/2017 State reply: none to date

**Des allégations de menaces à l'encontre de M. Pierre Espérance, défenseur des droits de l'homme, Directeur exécutif du Réseau national de défense des droits de l'homme (RNDDH) et Secrétaire général de la Fédération Internationale des Droits de l'Homme (FIDH) en Haïti.**

184. Le Rapporteur spécial rappelle que M. Espérance a fait l'objet d'une précédente communication adressée au Gouvernement d'Haïti, en date du 21 mai 2014, (A/HRC/28/63/Add.1) dans laquelle un groupe de rapporteurs spéciaux exprimaient leurs préoccupations concernant les menaces de mort reçues par le défenseur. Malgré le fait que cette communication ait été envoyée il y a plus de quatre ans, aucune réponse n'a été reçue à ce jour. Il insiste sur le fait que les Etats ont l'obligation de répondre aux communications envoyées par les Rapporteurs spéciaux.

185. Le Rapporteur est d'autant plus préoccupé par le fait que certaines menaces à l'encontre de M. Espérance auraient notamment été proférées publiquement par un représentant d'une autorité publique l'accusant d'avoir émis une opinion sur le déroulement des élections en cours.

186. Le Rapporteur souligne que la protection des droits des défenseurs des droits de l'homme dans les contextes électoraux est primordiale, notamment en raison de la situation de vulnérabilité dans laquelle ils se trouvent. Il est par ailleurs essentiel qu'ils puissent jouir de toutes leurs droits et libertés fondamentales afin d'assurer la tenue d'élections libre, impartiales et transparentes, éléments précurseurs d'un Etat de droit et d'institutions solides.

187. Le Rapporteur spécial exhorte le Gouvernement haïtien à répondre à la lettre envoyée, à enquêter sur les menaces proférées à l'encontre de M. Espérance, ainsi qu'à protéger tous les défenseurs des droits de l'homme face aux attaques et aux représailles auxquelles ils font face, afin de garantir la liberté d'expression et d'association, conformément aux normes et standards internationaux.

## Honduras

188. JAL 09/05/2017 Case no: HND 2/2017 State reply: none to date

**Alegaciones sobre amenazas y ataques en contra de las emisoras comunitarias Radio Progreso, Radio Dignidad y Radio La Voz Lenca, así como contra sus colaboradores, en presunta relación con su trabajo periodístico sobre los movimientos en defensa del medio ambiente y sobre los derechos de las comunidades indígenas en Honduras.**

189. JAL 17/05/2017 Case no: HND 4/2017 State reply: none to date

**Alegaciones con respecto a irregularidades en las investigaciones y en los procesos penales relacionados con el asesinato de la defensora de derechos humanos Berta Cáceres en marzo del 2016, así como con las campañas de descrédito, las intimidaciones, y las agresiones contra miembros del Consejo Cívico de Organizaciones Populares e Indígenas de Honduras (COPINH).**

190. JAL 07/06/2017 Case no: HND 3/2017 State reply: 29/06/2017

**Alegaciones con respecto a presuntos actos de intimidación contra la defensora de derechos humanos Hedme Castro, en relación con sus actividades de coordinadora general de la Asociación para una Ciudanía Participativa (ACI-PARTICIPA).**

191. JAL 10/07/2017 Case no: HND 5/2017 State reply: none to date

**Alegaciones sobre el asesinato de la Sra. Sherlyn Montoya, mujer transexual y defensora de los derechos de las personas LGBTI.**

192. JUA 03/08/2017 Case no: HND 6/2017 State reply: 25/10/2017

**Alegaciones sobre el intento de asesinato del Sr. Osmin David Valle Castillo, Gerente de Programa de Participación y Ciudanía LGBTI del Centro para el Desarrollo y la Cooperación LGBTI.**

193. JAL 11/08/2017 Case no: HND 7/2017 State reply: 24/11/2017

**Alegaciones sobre la criminalización de estudiantes universitarios participantes en manifestaciones públicas, sobre actos de intimidación y amenazas de uso excesivo de la fuerza por parte de elementos de seguridad privada y de la Policía Nacional con el fin de dispersar manifestaciones estudiantiles pacíficas, y sobre la descalificación del defensor de derechos humanos y sacerdote jesuita Ismael Moreno.**

194. Press release 08/08/2017

**Honduras: Honduras debe impulsar la protección de defensores LGBTI, dicen expertos de la ONU tras el último ataque.**

195. Press release 20/12/2017

**Honduras: Expertos condenan medidas contra manifestantes y prensa.**

196. El Relator Especial agradece las respuestas del Gobierno de Honduras a las comunicaciones HND 3/2017, HND 6/2017 y HND 7/2017, y lamenta no haber recibido ninguna respuesta al resto de las cartas comprendidas en este reporte.

197. El Relator Especial reitera, en primer lugar, su preocupación por la situación de las personas defensoras de los derechos indígenas, a la tierra, a los territorios, y al medio ambiente en Honduras. Tal como lo reflejan los casos HND 2/2017 y HND 4/2017, quienes defienden estos derechos en el país se enfrentan generalmente a compañías nacionales o transnacionales cuyos recursos financieros y legales exceden por mucho a los de las comunidades, en un contexto de desprotección por parte de las autoridades hondureñas. El Relator Especial observa que las personas defensoras que denuncian las intimidaciones y los ataques de los que son víctimas en relación con la oposición al desarrollo de megaproyectos ven frecuentemente sus casos permanecer en la impunidad ante la falta de capacidad y en algunos casos la complicidad de las fiscalías y los ministerios públicos. Asimismo, como lo muestran los casos del Consejo Cívico de Organizaciones Populares e

Indígenas de Honduras y de la Sra. Hedme Castro, en muchas ocasiones las autoridades hondureñas carecen de capacidad para brindar protección efectiva a las personas defensoras amenazadas, en perjuicio del deber de los Estados bajo el artículo 12 de la Declaración de los defensores de los derechos humanos.

198. Asimismo, al Relator Especial le preocupa la tendencia de violencia y estigmatización contra personas defensoras de derechos humanos en Honduras, que busca deslegitimar su labor y que aumenta su vulnerabilidad, contribuyendo a la percepción de que es legítimo que los defensores sean objeto de abusos por parte de los actores estatales y no estatales".[2] El Relator reitera también que una forma de garantizar la seguridad de los defensores es poner fin a la impunidad.[3]

199. El Relator toma nota también de la problemática que enfrentan los defensores de los derechos a la diversidad sexual en Honduras. Como se refiere en las comunicaciones HND 5/2017 y HND 6/2017, los casos de violencia en contra de personas LGBTI, y de personas defensoras LGBTI en particular, en razón de su orientación sexual real o percibida e identidad de género, comúnmente permanecen en la impunidad debido a la baja tasa de denuncia, que se relaciona con el temor a ser estigmatizados, a las represalias por parte de agresores, así como a la baja capacidad de las autoridades para investigar y proveer protección. El Relator observa con satisfacción, sin embargo, las gestiones llevadas a cabo por diferentes autoridades hondureñas en el caso del Sr. Osmin David Valle Castillo, reportadas en la respuesta del Gobierno del 25 de octubre de 2017.

200. El Relator Especial agradece la respuesta remitida el 24 de noviembre de 2017 con respecto al caso HND 7/2017. En particular, el Relator Especial encuentra de mucha utilidad la descripción de medidas de protección adoptadas en los casos referidos en la comunicación. Sin embargo, el Relator Especial nota la ausencia de una descripción del estado de los procesos penales en contra de las personas involucradas, como fue solicitado en la carta enviada al Gobierno, así como de un análisis sobre su compatibilidad con las obligaciones internacionales de Honduras en materia de derechos humanos. En este sentido, el Relator Especial exhorta al Gobierno de Honduras a profundizar sus respuestas y a transmitir a la brevedad posible la información solicitada.

201. Finalmente, el Relator Especial expresa su profundo agradecimiento al Gobierno de Honduras por la aceptación de su visita al país, programada para la primera mitad del mes de mayo de 2018, y se pone a disponibilidad de las autoridades para ofrecer la guía y asistencia que sea requerida en la organización de la misma.

## México

202. JAL 10/04/2017 Case no: MEX 2/2017 State reply: 05/12/2017

**Alegaciones en relación con el asesinato de la periodista chihuahuense Miroslava Breach Valducea, presuntamente como represalia por su trabajo periodístico.**

203. JUA 18/05/2017 Case no: MEX 3/2017 State reply: 18/01/2018

**Alegaciones sobre el asesinato de una defensora de derechos humanos miembro de [redacted], estado de Tamaulipas.**

204. JAL 14/07/2017 Case no: MEX 4/2017 State reply: 23/11/2017

**Alegaciones sobre el uso de tecnologías de vigilancia por parte de agencias gubernamentales contra los miembros y el Secretario Ejecutivo del Grupo Interdisciplinario de Expertos Independientes de la Comisión Interamericana de Derechos Humanos (GIEI), defensores de derechos humanos, entre ellos integrantes del Centro de Derechos Humanos Miguel Agustín Pro Juárez (Centro Prodh), así como periodistas y otros activistas de la sociedad civil en México.**

[2] A/HRC/13/22, par. 27.
[3] A/HRC/13/22, par. 42.

205. JOL 16/10/2017 Case no: MEX 5/2017 State reply: none to date

**Información sobre la Ley que Regula el Uso de la Fuerza Pública en el Estado de México, bajo revisión por parte de la Legislatura del Estado tras declararse inconstitucionales algunos de sus artículos.**

206. JUA 22/11/2017 Case no: MEX 7/2017 State reply: none to date

**Alegaciones sobre la falta de procesos de consulta oportunos y conformes a derecho con las comunidades del pueblo indígena Yaqui, en relación con los proyectos del Acueducto Independencia y del Gasoducto Aguaprieta, así como con la falta de cumplimiento con las suspensiones judiciales de los mismos.**

207. JAL 17/11/2017 Case no: MEX 8/2017 State reply: none to date

**Alegaciones en relación con la detención durante cerca de tres meses, y la existencia de varios procesos penales abiertos, en contra del Sr. John Joseph Moreno Rutowski, presuntamente en relación con sus actividades como defensor de derechos humanos en el estado de Baja California Sur.**

208. UA 23/11/2017 Case no: MEX 9/2017 State reply: 02/01/2018

**Alegaciones en relación con el asesinato del Presidente de la Comisión Estatal de Derechos Humanos de Baja California Sur (CEDHBCS), Sr. Silvestre de la Toba Camacho, así como de su hijo, y las lesiones severas ocasionadas a su esposa e hija.**

209. Press release 11/01/2017

**Defensores de DD HH: "¿Se sienten seguros en México?" – Experto de la ONU anuncia visita para evaluar la situación.**

210. Press release 19/01/2017

**Indignante y absurdo el asesinato del defensor ambiental rarámuri Isidro Baldenegro López en México.**

211. Mission Statement 24/01/2017

**Informe del final de la misión del Relator Especial de las Naciones Unidas sobre la situación de los defensores de derechos humanos Michel Forst, visita a México, 16 al 24 de enero de 2017.**

212. Press release 25/01/2017

**México/Defensores de DD HH: "La mejor forma de protegerlos es luchando contra la impunidad" – Experto de la ONU.**

213. Press release 19/05/2017

**México: Expertos de la ONU condenan asesinato de una defensora de DDHH y piden medidas efectivas para combatir la impunidad.**

214. Press release 19/07/2017

**México: Expertos de la ONU piden investigación independiente e imparcial sobre el uso de spyware contra defensores de DD HH y periodistas.**

215. Press release 11/24/2017

**México: Experto en derechos humanos de las Naciones Unidas condena el asesinato del Ombudsman de Baja California Sur.**

216. El Relator Especial agradece al Gobierno de México sus respuestas del 5 de diciembre de 2017, del 23 de noviembre de 2017, y del 2 y 18 de enero de 2018, a las comunicaciones MEX 2/2017, MEX 4/2017, MEX 9/2017 y MEX 3/2018, respectivamente. El Relator Especial toma nota de las medidas de investigación y de protección adoptadas por las autoridades, y reitera su exhorto al Gobierno para asegurar que los casos referidos no queden en la impunidad, mediante procesos penales en los que se respeten cabalmente las garantías del debido proceso tanto de las víctimas como de los imputados.

217. El Relator Especial lamenta, por otra parte, no haber recibido respuesta del Gobierno al resto de las comunicaciones enviadas durante el periodo abarcado por el presente informe, en especial dada la delicada naturaleza de las alegaciones. El Relator Especial queda a la espera de recibir respuestas detalladas a la brevedad posible, y urge al Gobierno a involucrarse activamente y a cooperar con los mandatos de los Procedimientos Especiales.

218. El Relator Especial expresa grave preocupación por el contexto actual de impunidad y violencia en México, que afecta gravemente a las personas defensoras de derechos humanos y a periodistas. Las alegaciones de comunicaciones MEX 2/2017, MEX 3/2017 y MEX 9/2017, son ejemplos representativos de los altos niveles de violencia e inseguridad observados por el Relator Especial en su visita a México, y del efecto disuasivo que tienen para quienes defienden los derechos humanos en el país.

219. El Relator Especial reitera su convicción de que el principal obstáculo para la protección de estas personas son las fallas sistemáticas en la investigación, procesamiento y sanción de los delitos cometidos, que resultan en impunidad en la mayoría de los casos. Asimismo, la ineficacia en la prevención del delito y en las medidas de protección para las personas defensoras de derechos humanos contribuye al grave entorno de inseguridad que se vive en México. Un nivel continuo y elevado de impunidad legitima los actos de violencia contra las personas defensoras de los derechos humanos, paralizando su labor e interfiriendo con el ejercicio del derecho a defender derechos humanos.

220. En este contexto de impunidad, en México las personas defensoras de derechos humanos se encuentran en una situación de especial vulnerabilidad frente a actores privados, tales como grupos del crimen organizado y empresas que actúan al amparo de autoridades débiles, corruptas o infiltradas, tanto a nivel federal, como a nivel estatal y municipal. En ese sentido, el Relator Especial urge al Gobierno de México a fortalecer sus cuerpos de seguridad y el sistema de procuración de justicia, no mediante el aumento del número de efectivos o el empleo de fuerzas armadas en asuntos de seguridad interior, sino mediante la implementación de medidas efectivas para erradicar la corrupción al interior de las corporaciones de seguridad, las fiscalías, y el poder judicial. En particular, el Relator Especial conmina a las autoridades mexicanas a asegurar la independencia de la Fiscalía General de la República mediante el nombramiento de un Fiscal General sin vínculos partidistas y con amplio reconocimiento social, y a revisar la recién aprobada Ley de Seguridad Interior, a fin de asegurar que las tareas de seguridad doméstica queden en manos de corporaciones civiles, debidamente capacitadas y sujetas a mecanismos de responsabilidad ordinarios y no militares.

221. El Relator Especial quisiera hacer énfasis también en el hecho de que los homicidios y ejecuciones de defensoras de derechos humanos a menudo se basan en el género y, por lo tanto, las defensoras enfrentan amenazas particulares de violencia física y homicidios no sólo por su trabajo como defensoras, sino por su condición de ser mujer. En este sentido, el Relator Especial le recuerda al Gobierno su compromiso con el artículo 12 de la Declaración sobre los Defensores de los Derechos Humanos de proteger a esos defensores, incluyendo "velar por que las necesidades de seguridad específicas de las mujeres se traten con la sensibilidad debida a las condiciones de género y que cuando se conciban mecanismos de protección se solicite la participación y la colaboración de las defensoras".

## Nicaragua

222. JUA 18/05/2017 Case no: NIC 1/2017 State reply: 02/06/2017

**Alegaciones sobre actos de intimidación, difamación, violencia y amenaza contra defensoras de derechos humanos y sus familiares por parte de la Policía Nacional, la Vicepresidenta, así como otros agentes no estatales.**

223. El Relator Especial agradece la respuesta del Gobierno de Nicaragua en relación a la comunicación enviada el día 18 de mayo de 2017. Sin embargo, lamenta que la misma no provea información exhaustiva sobre los hechos alegados y sobre las preocupaciones expresadas por la seguridad de las víctimas. Asimismo, el Relator Especial aprovecha la

ocasión para señalar que las comunicaciones NIC 2/2008 sobre actos de violencia, y NIC 1/2015 sobre detención ilegal, actos de tortura y abusos de autoridad por parte de la Policía Nacional, aún no han sido respondidas, e insta nuevamente a las autoridades a responder a todas las inquietudes planteadas.

224. El Relator Especial expresa su preocupación por el contexto más amplio de intimidación y hostigamiento contra defensores de derechos humanos en el que se enmarcan las alegaciones referidas en la comunicación NIC 1/2017, especialmente contra aquellos vinculados al cuestionamiento del desarrollo de mega-proyectos, tales como el futuro Canal Interoceánico. El Relator Especial reitera enfáticamente la necesidad de investigar de manera rápida, eficaz, independiente y responsable, las denuncias y acusaciones de amenazas contra defensores de los derechos humanos cometidos por actores estatales y no estatales que afecten el desempeño legítimo del trabajo que desempeñan las Sras. Wren, Bilbano, Núñez de Escorcia y Ramírez y pongan en riesgo su vida y la de sus familiares.[4] En este sentido, el Relator Especial urge al Gobierno de Nicaragua a garantizar su integridad y el respeto a sus libertades de expresión, reunión y asociación, así como a implementar las medidas cautelares ordenadas por la Comisión Interamericana de Derechos Humanos dictadas anteriormente y en fecha 11 de junio de 2017 ampliando la protección en favor de la Sra. Wren, y 2 de agosto de 2017 en favor de la Sra. Ramírez.

## Panama

225. JOL 22/05/2017 Case no: PAN 1/2017 State reply: 25/07/2017

**Observaciones en relación con varias disposiciones del Decreto Ejecutivo N° 62 del 30 de marzo de 2017 que reglamenta las asociaciones y fundaciones de interés privado sin fines de lucro, y que podrían estar en discrepancia con normas y estándares internacionales de derechos humanos.**

226. El Relator Especial agradece al Gobierno de Panamá su respuesta de fecha 25 de julio de 2017, que proporciona información adicional sobre el proceso de adopción e implementación del Decreto Ejecutivo N° 62, en respuesta a los cuestionamientos formulados en la comunicación. El Relator Especial lamenta, no obstante, que la respuesta no incluya un análisis de la compatibilidad de los artículos señalados en la comunicación como potencialmente problemáticos, con los estándares internacionales en materia de libertad de asociación. El Relator Especial observa, por ejemplo, que la respuesta afirma de manera dogmática que "el decreto no restringe (…) garantías constitucionales, por el contrario, las protege, evita que sean vulneradas, y ello se evidencia del contenido de las normas del referido documento, en las que se puede apreciar que todo el contexto está dirigido a la aprobación y reconocimiento de las organizaciones sin fines de lucro". Esta afirmación evade ir a la sustancia de los cuestionamientos de las relatorías, sin discutir de manera consistente las disposiciones del Decreto. En ese sentido, se invita al Gobierno de Panamá a que explique cómo y por qué las normas señaladas en la comunicación son acordes con las obligaciones internacionales del Estado bajo el Pacto Internacional de Derechos Civiles y Políticos.

## Peru

227. JAL 11/04/2017 Case no: PER 2/2017 State reply: none to date

**Alegaciones sobre criminalización, violación a las garantías judiciales y omisión del Estado en garantizar la protección del Sr. César Estrada Chuquilin frente a intimidaciones y amenazas vinculadas con el ejercicio de sus derechos de expresión y asociación.**

228. JAL 14/07/2017 Case no: PER 4/2017 State reply: none to date

[4] A/HRC/RES/13/13, p. 12.

**Alegaciones sobre investigaciones penales en curso contra la Sra. Virginia Pinares Ochoa, en relación con su labor como defensora de derechos humanos y del medio ambiente en torno al proyecto minero Las Bambas, en las provincias apurimeñas de Cotabambas y Grau.**

229. JAL 02/08/2017 Case no: PER 6/2017 State reply: none to date

**Alegaciones de acusaciones penales, violaciones al debido proceso, y campañas de difamación en medios de comunicación en contra de los defensores de derechos humanos Jennifer Moore y John Dougherty.**

230. El Relator Especial lamenta que el Gobierno del Perú no haya respondido a ninguna de las cartas enviadas en el periodo cubierto por este reporte, y e insta a que el Gobierno coopere y se involucre activamente con la Relatoría Especial y con los otros procedimientos especiales del Consejo de Derechos Humanos.

231. El Relator Especial expresa su consternación por el patrón de criminalización y violaciones a las garantías judiciales observado en los casos referidos en las comunicaciones PER 2/2017, PER 4/2017 y PER 6/2017. Éstos ponen en evidencia el uso sistemático en el Perú de las instituciones de procuración de justicia para intimidar y silenciar personas defensoras de derechos humanos mediante acusaciones penales infundadas, en circunstancias en las que frecuentemente las personas defensoras carecen de los recursos necesarios para hacerse de servicios de representación legal suficientes. Asimismo, dicho patrón exhibe la debilidad y en ocasiones la falta de independencia de las fiscalías y de las autoridades judiciales en las regiones indígenas del Perú, así como la falta de mecanismos apropiados para la protección y defensa de las personas defensoras de derechos humanos en el país.

232. El Relator Especial expresa por otra parte su grave preocupación por las personas defensoras de los derechos humanos que sufren campañas de difamación en su contra, ataques físicos, hostigamiento, amenazas, y violaciones que no suelen ser investigadas, en ocasiones dirigidas también en contra de sus familias. El Relator Especial recuerda al Gobierno del Perú que los defensores de los derechos humanos ejercen un papel vital como actores de la sociedad civil que al promover los derechos humanos, fortalecen la democracia y el estado de derecho, y le recuerda su obligación de "respetar y proteger los derechos civiles, políticos, económicos, sociales y culturales" de todos los defensores de derechos humanos, "notablemente los derechos de opinión y expresión".[5]

233. El Relator Especial insta al Gobierno de Perú a asegurar el respeto a los derechos de los defensores de los derechos humanos por parte de agentes privados, incluidas las empresas, en línea con el artículo 12 de la Declaración de los defensores de los derechos humanos, que establece el deber de los Estados de proteger eficazmente a cualquier persona u organización que reaccione o se oponga por la vía pacífica a violaciones de los derechos humanos perpetrados tanto por los Estados como por grupos o particulares que afecten el disfrute de los derechos humanos y las libertades fundamentales.

234. Finalmente, el Relator Especial agradece sinceramente al Gobierno de Perú la respuesta favorable a su solicitud de visitar el país en 2018, y se pone a su disposición para acordar las y los detalles fechas de la misma.

## Trinidad and Tobago

235. JAL 06/04/2017 Case no: TTO 1/2017 State reply: 04/08/2017

**Allegations concerning the confiscation of passport, denial of exit, and threat of deportation from Trinidad and Tobago to Cuba, in violation of the non-refoulement principle, of Mr. Eduardo E. Herrera, a Cuban human rights defender.**

236. The Special Rapporteur thanks the Government of Trinidad and Tobago for its reply of 4 August 2017, and takes note of the decision by UNHCR to recognize Mr. Herrera the

[5] A/HRC/RES/32/31, para. 3.

status of refugee. The Special Rapporteur encourages the Government to adopt clear legislation on asylum and guarantee, not only non-refoulement to asylum-seekers in Trinidad and Tobago, but also appropriate and dignified living conditions during and after the asylum procedure. The Special Rapporteur similarly encourages the Government to ensure the protection and well-being of foreign human rights defenders that find themselves in Trinidad and Tobago fleeing persecution in their own countries.

## United States of America

237. AL 27/07/2017 Case no: USA 9/2017 State reply: 16/08/2017

**Allegations of partiality and other procedural irregularities, including abusive strategies, in the judicial proceedings brought by Chevron Corporation before federal courts against lawyers and human rights defenders representing the indigenous peoples involved in cases brought against this company in Ecuador for environmental damage caused by oil exploitation activities.**

238. The Special Rapporteur takes note of the reply by the Government of the United States of 16 August 2017, and regrets its lack of willingness to engage in a substantive dialogue on the issues raised in the letter.

239. The Special Rapporteur is fully aware of the judicial nature of the issues raised in the communication, therefore he would be grateful if the communication could be transmitted by the Permanent Mission of the United States to the competent authorities, dealing with the subject matter of the concerns raised in it, and revert with the information provided by them.

240. Furthermore, the Special Rapporteur would like to stress that his letter contained a specific question addressed to the Government of the United States, concerning any measures taken to ensure that established procedures of law are not used to accomplish illegitimate and rights-depriving ends. In this vein, the Special Rapporteur requests the authorities to provide a substantive response to all his questions.

## Uruguay

241. JUA 08/05/2017 Case no: URY 1/2017 State reply: 27/06/2017

**Alegaciones de amenazas de muerte contra los señores Pablo Chargoñia y Louis Joinet, así como otras once personas involucradas en la investigación de los crímenes cometidos durante la dictadura y la lucha contra la impunidad en Uruguay.**

242. El Relator Especial agradece la respuesta del Gobierno del 27 de junio de 2017, en la que proporciona datos generales sobre la investigación y detalles sobre los hechos básicos del caso, así como comentarios sobre las medidas de protección adoptadas para proteger a las víctimas.

243. El Relator Especial nota que, desde el envío de la comunicación, se han reportado nuevas amenazas en contra algunas de las personas involucradas en el caso. En ese sentido, el Relator Especial conmina al Gobierno de Uruguay a llevar a cabo las investigaciones relativas con la mayor diligencia, y a adoptar las medidas de protección pertinentes a favor de las víctimas. El Relator Especial desea finalmente resaltar la importancia del trabajo de los defensores de derechos humanos que buscan esclarecer los crímenes cometidos durante la dictadura en Uruguay, y hace un llamado al Gobierno para reconocer públicamente el valor de su labor, así como para garantizar su seguridad y la continuidad de su trabajo.

## Venezuela (Bolivarian Republic of)

244. JAL 26/04/2017 Case no: VEN 2/2017 State reply: 10/07/17

**Alegaciones de uso excesivo de la fuerza y la criminalización de las protestas ocurridas en Venezuela, posterior a la emisión del Decreto No. 2.323, de "Estado de Excepción y Emergencia Económica".**

245. JAL 27/07/2017 Case no: VEN 3/2017 State reply: none to date

**Alegaciones sobre violencia utilizada por grupos armados contra manifestantes el 4 de julio, y en particular contra el defensor de derechos humanos y periodista Melanio Escobar y su familia.**

246. Press release 28/04/2017

**Venezuela: Venezuela debe permitir la protesta pacífica e investigar la muerte de manifestantes, dicen expertos de la ONU.**

247. El Relator Especial agradece al Gobierno de la República Bolivariana de Venezuela la respuesta de fecha 10 de abril del 2017 a la comunicación VEN 2/2017. Lamenta, sin embargo, no haber recibido hasta la fecha ninguna respuesta a la comunicación VEN 3/2017, y queda a la espera de recibirla a la brevedad posible.

248. El Relator Especial expresa su suma consternación ante la normalización del uso excesivo e indiscriminado de la fuerza, incluyendo la institucionalización del uso de fuerzas militares para operaciones de contención de protestas. El Relator Especial llama especialmente la atención del Gobierno con respecto a la implementación del Plan Zamora, el cual permite una respuesta militar automática a las manifestaciones desde abril del 2017, y ha presuntamente resultado en la muerte de varios manifestantes, y en cientos de personas heridas y detenidas.

249. Si bien el Relator Especial entiende de la dificultad que representa el manejo de manifestaciones en circunstancias de extrema polarización política, como la que vive Venezuela en la actualidad, el Relator considera que es responsabilidad del Gobierno, no únicamente garantizar la posibilidad de expresarse públicamente y de manera pacífica en las calles, sino también asegurar que las inquietudes políticas de quienes expresan disidencia sean oídas y tomadas en cuenta en las decisiones de gobierno. El Relator Especial expresa asimismo grave preocupación ante el uso de imputaciones penales de terrorismo y de incitación a la violencia en contra de personas defensoras de derechos humanos.

250. El Relator Especial llama a Venezuela a cumplir con su deber de garantizar la protección por las autoridades competentes de toda persona, frente a toda violencia, amenaza, represalia, discriminación, negativa de hecho o de derecho, presión o cualquier otra acción arbitraria resultante del ejercicio legítimo de sus derechos, en línea con el artículo 12 de la Declaración de los defensores de los derechos humanos.

## ASIA-PACIFIC REGION

251. During the present reporting period, the Special Rapporteur sent 57 communications to 19 countries in the Asia-Pacific region. He takes note of the response rate of 47% for the region, which is a slight increase from the previous reporting period. He urges Governments in the region to fully cooperate with the mandate and looks forward to receiving outstanding replies shortly.

252. The present reporting period has highlighted a number of worrying developments in the region and areas of continuous or emerging difficulties and restrictions for human rights defenders, which merit the ongoing attention of the mandate.

253. The Special Rapporteur wishes to begin by underlining the positive impact, which human rights defenders can have in ensuring pluralistic, free and open societies. He regrets that defenders in many countries of the region are prevented from the possibility to fully contribute to the functioning of democratic, open and thriving societies. This contribution is especially relevant in the lead up to elections and during election campaigns. In some countries of the region where elections and electoral campaign were happening in 2017, there has been a particularly dramatic crackdown on human rights defenders and restriction

of civic space through direct attacks on the freedoms of expression, assembly and association.

254. The number of direct and targeted killings of human rights defenders in the region is a subject of utmost concern. Combined with the killings of human rights defenders engaging in peaceful protests, it appears that since last year, there has been at best no decrease and more probably, an increase in the amount of human rights defenders and journalists being killed in retaliation against their peaceful and legitimate human rights work. It is sadly a well-established trend that assassinated human rights defenders have been subjected to death threats and intimidation prior to their cold-blooded killing, sometimes for quite some time. Many of these threats have been reported by the defenders, but failed to receive any substantial follow up or investigation. The Special Rapporteur is convinced that proper investigation and timely protection would have prevented the tragic and unacceptable loss of life of many human rights defenders.

255. Environmental defenders, women human rights defenders and human rights defenders working on minority issues or religious freedoms in the Asia-Pacific region face particularly intense obstacles to their work. The physical and psychological integrity of human rights defenders remains a source of grave concern as many communications contained serious allegations relating to killings, threats, enforced disappearances, arbitrary detention, intimidation, judicial harassment, smear campaigns and stigmatization directed against defenders. A number of communications allege the direct involvement of States in targeting human rights defenders through excessive, and sometimes fatal, police force used against those peacefully exercising their right to freedom of assembly and association. In addition, several allegations concerning judicial harassment, direct threats and smear campaigns orchestrated by state authorities against human rights defenders have reached the attention of the Special Rapporteur.

256. The Special Rapporteur is seriously concerned about several cases of reprisals against human rights defenders for their cooperation with the United Nations and its human rights mechanisms. The Special Rapporteur wishes to highlight that the issue of human rights defenders facing reprisals for engaging with the United Nations is an area under the increased focus of his mandate. In addition, in October 2016, the Secretary-General of the United Nations announced a new mandate for the Assistant Secretary-General for Human Rights, Andrew Gilmour, to lead UN work on ending intimidation and reprisals against human rights defenders. Recalling Human Rights Council resolution 24/24, the Special Rapporteur urges all States to prevent and refrain from all acts of intimidation or reprisal, and calls upon them to review legislation, policies and practices that have the effect of undermining unhindered access to and communication with international bodies, and to avoid adopting any such new legislation.

257. The Special Rapporteur finds of particular concern the use of restrictive legislation to target human rights defenders and civil society as a whole. The use of national security legislation and defamation charges, as well as the hindering of the operational capacity of civil society through the application of foreign funding legislation, make it increasingly difficult for human rights defenders to conduct their work in the promotion and protection of human rights. These trends portray a tendency to view human rights defenders as a threat, with hostile intentions towards the State, driven by ulterior motives. Such stigmatization, distrust and even criminalization of human right defenders, is counterproductive and not in the interests of any State. The Special Rapporteur urges Governments in the region to reassess some of the narratives about human rights defenders, which have led to their stigmatization and criminalization, and cease targeting human rights defenders with defamatory statements and regressive legislation. Human rights defenders play a vital role in fighting for equitable and just societies in full compliance with the rule of law, respect for democracy and the overarching goal of protecting and promoting human rights while achieving these aims.

## Bangladesh

258. JAL 27/12/2016 Case no: BGD 7/2016 State reply: none to date

**Allegations concerning excessive use of police force, slander and death threats against environmental rights defenders.**

259. JAL 17/02/2017 Case no: BGD 1/2017 State reply: none to date

**Alleged killing of the human rights defender and journalist Mr. Abdul Hakim Shimul by the mayor of Shahzadpur municipality.**

260. JUA 28/06/2017 Case no: BGD 3/2017 State reply: none to date

**Allegations of threats of arrest, exile and violence by a fundamentalist group called Hefazat-e-Islam Dhaka City Committee received by Ms. Sultana Kamal a human rights defender and lawyer.**

261. JAL 03/07/2017 Case no: BGD 4/2017 State reply: none to date

**Allegations of arrests, detention, physical violence, harassment and intimidation against human rights defenders, trade unions and labour activists in relation to the work stoppage of December 2016, which took place in order to demand a raise in wages.**

262. The Special Rapporteur regrets that, at the time of finalizing this report, no response has been received to the three allegation letters and urgent appeal sent to the Government of Bangladesh during the reporting period.

263. The mandate holder expresses serious concern for the security of human rights defenders, journalists and lawyers working on human rights issues in Bangladesh. He is aware that the climate of violence, threats, killings and stigmatization of human rights defenders is resulting in an increasingly restricted civil society space in Bangladesh and is exercising a chilling effect on the work of human rights defenders who lack adequate state protection. The Special Rapporteur calls on the Government of Bangladesh to resume dialogue with his mandate through submitting replies to his letters. He further urges the Government to increase its efforts to protect human rights defenders, to investigate and condemn their killings, as well as threats and attacks against them and to uphold the values freedoms of expression, association and assembly.

264. The Special Rapporteur expresses grave concern at the killing of Mr. Abdul Hakim Shimul, a human rights defender and journalist affiliated to the non-governmental organization Odhikar. Odhikar and its members have been the subject of eleven communications since 2011. Mr. Shimul covered human rights violations relating to alleged corruption and misuse of power by local elites. On 2 February 2017, Mr. Shimul was taking pictures of a clash between local factions of the political party, Awami League, in Shahzadpur, when members of this party alerted the mayor of the municipality to his presence at the site of the clash. The mayor reportedly opened fire at Mr. Shimul, gravely injuring him. Mr. Shimul died on 3 February 2017 while on his way to Dhaka to receive medical treatment and the mayor was subsequently arrested. The Special Rapporteur recalls that every human being has the inherent right to life as well as the right to liberty and security of person as per articles 6(1) and 9(1) of the ICCPR. The Special Rapporteur strongly condemns all acts of physical violence and killings of human rights defenders and reminds the Government of Bangladesh of its duty to take all necessary measures to ensure the rights and safety of defenders to pursue their work.

265. The Special Rapporteur expresses his concerns regarding allegations of excessive police force used against environmental rights defenders engaging in peaceful protests in Dhaka on 17 and 18 October 2016 in opposition to the proposed Rampal Power Station based on potential threats to the world-heritage listed Sundarbans mangrove forest. The Special Rapporteur remarks that this appears to fall into a pattern of disproportionate and unwarranted force against peaceful environmental defenders. Another worrying development brought to the attention of the Special Rapporteur relates to allegations that representatives of the Government of Bangladesh have been engaging in a campaign of harassment against environmental human rights defenders including slander, comparing their activities to terrorism, inciting violence and anonymous death threats.

266. The Special Rapporteur also expresses further serious concern at allegations of threats of arrest, exile and violence by a fundamentalist group called Hefazat-e-Islam

Dhaka City Committee received by Ms. Sultana Kamal, a human rights defender and lawyer known for her work on civil and political as well as women's rights. The Special Rapporteur expresses additional concern at the severe threats to Ms. Kamal's physical and psychological integrity due to the additional vulnerability she faces as a woman human rights defender. It is unfortunately an established fact that women human rights defenders face additional layers of gender-based threats and intimidation and are often the target of gender-specific violence. The Special Rapporteur believes that the adequate protection of human rights defenders such as Ms. Kamal, as well as impartial investigations into threats, should be treated as a matter of urgency in light of the fact that Hefazat-e-Islam has been responsible for other threats and attacks against intellectuals and human rights defenders in the country, most of which remain unresolved.

267. The Special Rapporteur is also concerned by allegations of arrests, detention, physical violence, harassment and intimidation carried out by police against trade unions, labour activists and human rights defenders, in relation to a work stoppage in December 2016 at Windy Apparels Ltd in Ashulia, a suburban area of Dhaka. Workers from approximately 20 factories, most of which are non-union, participated in the work stoppage. In retaliation to the work stoppage, the police allegedly arrested and beat over two dozen trade union leaders, activists and human rights defenders. The Special Rapporteur urges the Government of Bangladesh to respect its obligations under international human rights law, in particular article 22 of the ICCPR which upholds the right to freedom of association.

## Cambodia

268. JUA 31/05/2017 Case no: KHM 1/2017 State reply: none to date

**Allegations concerning the detention of human rights defenders belonging to the Cambodian Human Rights and Development Association (ADHOC), Ms. Lim Mony, Mr. Ny Sokha, Mr. Nay Vanda, Mr. Yi Soksan and Mr. Ny Chakrya as well as the situation of human rights defender Ms. Tep Vanny.**

269. JAL 06/10/2017 Case no: KHM 3/2017 State reply: none to date

**Allegations of harassment and arbitrary arrest of environmental rights defender Mr. Hun Vannak, as well as the subsequent alleged arbitrary arrest and pre-trial detention of Mr. Hun Vannak and Mr. Doem Kundy.**

270. The Special Rapporteur regrets that, at the time of finalizing this report, no responses have been received to the two communications sent during the reporting period. He hopes to receive prompt responses to these communications.

271. The Special Rapporteur expresses his severe concerns at the deteriorating situation for human rights defenders in Cambodia. He has been increasingly alerted to the fact that human rights defenders are facing an intensification of restrictions to their freedoms of expression, assembly and association, as well as a generally more difficult climate for media freedom and civil society space in the run-up to the 2018 national elections. The concerns of the Special Rapporteur have also been echoed by the UN Special Rapporteur on the situation of human rights in Cambodia, who, in a press release from 11 December 2017, noted "The Government has (also) clamped down on civil society and the media by closing and suspending several NGOs and media companies, and targeting individuals within those organizations. This can only be counter-productive and takes away an important mechanism for societies to openly question, debate and challenge ideas".

272. The Special Rapporteur is concerned about the arrest and arbitrary detention of the four ADHOC human rights defenders, Ms. Lim Mony, Mr. Ny Sokha, Mr. Nay Vanda, Mr. Yi Soksan and former ADHOC staff, Mr. Ny Chakrya. ADHOC and its members have been the subject of several previous communications to the Government of Cambodia over the past years. The Special Rapporteur regrets that no responses were received from the Government of Cambodia to any of these letters. The Special Rapporteur notes with satisfaction that on 29 June 2017, the detained ADHOC staff were released on bail from Prey Sar and PJ prisons in Phnom Penh, after spending one year and two months in pre-trial detention, reportedly in particularly harsh conditions. The court announced that the

investigation into the five over bribery allegations was completed and that their case would be sent for trial. To date, no closing order has been submitted and therefore their trial is still pending. In the meantime, the Special Rapporteur is dismayed that the defenders are not permitted to leave the country.

273. The Special Rapporteur expresses his concerns at the ongoing detention of land rights defender, Ms. Tep Vanny. Ms. Vanny played a prominent role in mobilizing communities in Boeung Kak Lake to fight against an eviction order agreed between the Government and a private corporation to carry out development plans, which would include filling 90% of the lake for domestic and foreign tourists. On 23 February 2017, the Phnom Penh Municipal Court found Ms. Vanny guilty of assaulting security guards during a protest outside the house of Prime Minister Hun Sen in 2013, convicted her for "intentional violence with aggravated circumstances" under article 218 of the Criminal Code and sentenced her to prison.

274. It has been reported that during the trial, no credible evidence was presented to justify the charges brought against her or to prove that she had committed any form of violence, thereby allegedly violating Ms. Vanny's right to due process, in the form of a fair and public hearing by a competent, independent and impartial tribunal, as guaranteed under article 14 of the ICCPR. The Special Rapporteur regrets that the Government of Cambodia has never sent a reply to any of the three communications issued on Ms. Vanny since 2012 and is dismayed that on 8 August 2017, a Court of Appeal in Phnom Penh upheld the conviction and sentencing of Ms. Vanny. The Special Rapporteur is also concerned at allegations that on 2 May 2017, district and commune police authorities removed banners calling for the release of the five ADHOC human rights defenders and Ms. Vanny.

275. The Special Rapporteur expresses further concern at the situation of human rights defenders Mr. Hun Vannak and Mr. Doem Kundy who have been subjected to apparent judicial harassment for their activities in defence of environmental rights. On 12 September 2017, they were arrested and put in pre-trial detention allegedly for filming sand-bearing large vessels anchored off the coast in Koh Kong Province. According to information made available to the mandate holder, on 26 January 2017, Mr. Hun Vannak and Mr. Doem Kundy were convicted under Articles 302 and 495 of the Criminal Code of Cambodia for violating the right to privacy and incitement. They were sentenced to one year imprisonment (suspended to a period of five months) and a fine of one million Riel.

276. These developments are of particular concern as it appears that the judicial harassment and arrest of the two defenders in Koh Kor village is not an isolated incident but falls into a broader context of harassment and intimidation against human rights defenders operating in that area, with a particular focus on defenders of environmental and land rights. The Special Rapporteur would like to remind the Government of Cambodia of its obligations under article 9 of the ICCPR to uphold the right to liberty and security of person and ensure that no one shall be subject to arbitrary arrest or detention, except on grounds established by law and following legal procedures. He also refers to the newly adopted General Assembly resolution 72/247 which calls upon States to take concrete steps to prevent and put an end to arbitrary arrests and detention of human rights defenders, and in this regard strongly urges the release of persons detained or imprisoned, in violation of the obligations and commitments of States under international human rights law, for exercising their human rights and fundamental freedoms.

## China

277. JAL 12/12/2016 Case no: CHN 12/2016 State reply: none to date

**Allegations of the detention and surveillance of Ms. Nyima Lhamo and Ms. Dolker Lhamo, women human rights defenders and relatives of the late Tenzin Delek (Tibetan Buddhist teacher).**

278. JUA 02/12/2016 Case no: CHN 13/2016 State reply: 18/01/2017

**Allegations of arrest and disappearance of the human rights lawyer, Jiang Tianyong, while on a visit to the wife of a human rights lawyer arrested in the "709" crackdown which started on 9 July 2015.**

279. JUA 28/12/2016 Case no: CHN 15/2016 State reply: 20/01/2017

**Allegations concerning the disappearance, lack of access to a lawyer, incommunicado detention and torture of Mr. Jiang Tianyong.**

280. JUA 22/03/2017 Case no: CHN 3/2017 State reply: 18/04/2017

**Allegations of the arbitrary arrest and prolonged incommunicado detention of the human rights lawyers Xie Yang, Wang Quanzhang, Li Heping and Jiang Tianyong and their subjection to torture and other cruel, inhumane or degrading treatment during detention.**

281. JUA 28/04/2017 Case no: CHN 5/2017 State reply: 08/06/2017

**Allegations of harassment by security agents as well as permanent surveillance of Ms. Wang Qiaoling, and of Ms. Li Wenzu, following their expressions of support for their husbands who are detained human rights lawyers and their campaigns in media to voice their situation.**

282. JUA 12/09/2017 Case no: CHN 8/2017 State reply: 13/10/2017

**Allegations of the disappearance of human rights defender, Mr. Gao Zhisheng reported on 13 August 2017. Mr. Gao Zhisheng has been kept under close surveillance by authorities of Yulin City, Shaanxi Province following his release from detention on 8 August 2014.**

283. JAL 25/10/2017 Case no: CHN 9/2017 State reply: 08/12/2017

**The sentencing of Mr. Joshua Wong, Mr. Nathan Law and Mr. Alex Chow to imprisonment for their role in the pro-democracy demonstrations that took place in 2014 and allegations that a large number of protesters who have been arrested in the largely peaceful protests continue to face legal uncertainty.**

284. Press release 06/12/2016

**China: UN experts urge China to investigate disappearance of human rights lawyer Jiang Tianyong.**

285. Press release 06/09/2017

**China: UN experts urge China to release lawyer Jiang Tianyong currently on trial for subversion.**

286. Press release 11/06/2017

**China: Hong Kong should respect human rights of democracy activists during appeal – UN experts.**

287. Press release 23/11/2017

**China: UN experts condemn jailing of human rights lawyer Jiang Tianyong.**

288. The Special Rapporteur thanks the Government for its responses to six of the seven communications sent during the reporting period.

289. The Special Rapporteur expresses serious concern for the situation of human rights defenders in China. He notes several worrying trends including attempts to shrink civil society space, using the national stability and social stability narrative as grounds for suppressing dissent, and targeting the general support and solidarity networks of human rights defenders through the persecution and harassment of defenders and lawyers who advocate for and represent their fellows. Most of the lawyers arrested were defending basic rights of Chinese citizens, often relating to their economic, social and cultural rights. The Special Rapporteur notes with regret that in many instances such repression is also extended to family members of human rights defenders who advocate often for more social and economic justice using Chinese law. The mandate holder also receives reports

indicating that children of human rights defenders are also ostracized whether by not being allowed to access schooling or being denied study or job opportunities. As a consequence, those families are deprived of proper income and deliberately forced into poverty.

290. The detention conditions of human rights defenders and lawyers remain alarming and several cases of prolonged disappearance and incommunicado detention have come to the attention of the Special Rapporteur. He also remains gravely concerned at allegations of torture against human rights defenders and lawyers, allegedly with the aim of extracting forced confessions incriminating themselves and other human rights defenders.

291. The Special Rapporteur raises concern at allegations of the arrest, disappearance, denial of access to legal counsel and torture of the human rights lawyer, Jiang Tianyong, arrested while on a visit to the wife of a human rights lawyer arrested in the "709" crackdown. The Special Rapporteur has regularly engaged with the Government of China on the case of Mr. Jiang and acknowledges the replies of the Government to the communications dated 2 December 2016 and 28 December 2016. However, he regrets that these replies fail to address the allegations of lack of access to a lawyer and use of torture. On 22 August 2017, Mr. Jiang made a televised "confession", which was allegedly extracted under torture, where he admitted to seeking to overthrow China's political system and to fabricating allegations of torture committed against another lawyer in detention. The Special Rapporteur expresses concerns at the vague and insufficiently substantiated accusations that Mr. Jiang was in possession of several classified state documents and was engaged in conspiracy against the state by "transmitting state secrets abroad." The Special Rapporteur also raises his concerns as to the State's justifications for incriminating Mr. Jiang on the basis that he has "received long-term funding and support from abroad and has identified himself as a 'citizen agent'". These accusations seem to be directly linked to Mr. Jiang's work in the protection and promotion of human rights, which may have included communications with UN human rights mechanisms, granting interviews to foreign media and receiving training on the Western constitutional system. The Special Rapporteur wishes to stress that Mr. Jiang's situation highlights a pattern of similar abuses imposed on many human rights defenders and lawyers.

292. The Special Rapporteur reitarates his concerns regarding the arbitrary arrest and prolonged incommunicado detention of Messrs. Xie Yang, Wang Quanzhang and Li Heping. While the Special Rapporteur thanks the Government for its response to his communication on the matter received on 18 April 2017, he regrets that it merely stipulates the charges against the human rights lawyers without dealing with the substance of the allegations against them. He further expresses his serious preoccupation that allegations of torture in detention were dismissed as "wantonly spread sensationalist reports" disseminated by "Western media outlets". Messrs. Jiang Tianyong, Xie Yang, Wang Quanzhang and Li Heping have cooperated with civil society organizations and represented political dissidents, victims of forced evictions, Falun Gong practitioners, as well as persons belonging to other vulnerable groups left behind. The mandate holder is therefore concerned that their prolonged incommunicado detention, the allegations of torture and denial of their access to legal counsel is in retaliation against their human rights activities, with the aim of silencing dissenting voices in China.

293. The Special Rapporteur further notes the charges of "subverting state power" facing these human rights defenders and regrets what he views as a growing trend to incriminate human rights defenders with overly vague charges, which lack a concrete definition. Such charges are often used in an attempt to stigmatize, criminalize and portray human rights activities, which defend the basic rights and freedoms of Chinese citizens who are confronted often with challenging socio-economic circumstances, as anti-state.

294. The Special Rapporteur remains deeply concerned about the trend to arrest and subject human rights defenders to enforced disappearance or assignment to "residential surveillance under a designated location". He has been alerted to the case of Mr. Gao Zhisheng who disappeared from his home in August 2017. The Special Rapporteur acknowledges the Government of China's response to his communication on 13 October 2017, which states that his location is unknown to authorities and that an inquiry is being carried out in accordance with the law. The Special Rapporteur is seriously concerned for

the physical and psychological integrity of Mr. Gao Zhisheng and urges the Chinese authorities to do the utmost to ensure his safety.

295. The mandate holder has raised concerns regarding the arrest, detention and conviction of Messrs. Joshua Wong, Nathan Law and Alex Chow to prison sentences for their participation in pro-democracy protests in 2014. While the Special Rapporteur acknowledges the Government's substantive reply received on 08 December 2017, he notes the assertion by the Government that "it is impossible to 'detach' single cases of the people who were arrested and to deal with them independently" and expresses his concern that treating cases as such may violate fair trial rights and the principle of legality.

296. The mandate holder is particularly concerned about numerous allegations concerning the security of women human rights defenders, some of whom advocate and campaign for detained family members or raise awareness about a family member who died in unclear circumstances in prison. He has raised the issue of alleged harassment by security agents as well as the permanent surveillance of the wives of detained lawyers Mr. Li Heping, and Mr. Wang Quanzhang, following their expressions of support for their husbands. The Special Rapporteur regrets that the Government reply from 8 June 2017 did not respond to the questions raised in the communication and flatly denied that Ms. Wang's or Ms. Li's freedom of movement has ever been restricted or that they have been subjected to unlawful surveillance or harassment, without providing any evidence. The Special Rapporteur has also noticed such unlawful practices in other cases pointing to a worrying trend.

297. The Special Rapporteur wishes to underline the crucial role played by human rights defenders in China and stresses the urgent need for the Government to take all necessary measures which will allow them to carry out their activities in an open, safe and conducive environment. He equally urges the Government of China to take measures for reversing the downward spiral of the deteriorating human rights situation in the country.

## India

298. JAL 21/12/2016 Case no: IND 10/2016 State reply: none to date

**Allegation of an order from the Ministry of Home Affairs of India to cancel the registration of Lawyers Collective to receive foreign contribution under the Foreign Contribution (Regulation) Act (FCRA).**

299. JUA 31/01/2017 Case no: IND 2/2017 State reply: none to date

**Allegations concerning attacks, intimidation by state police and state administration, and the arrest and detention of seven human rights defenders, Mr. Chikkudu Prabhakar, Mr. Bhalla Ravindranath, Mr. Durga Prasad, Mr. Duddu Prabhakar, Mr. Rajendra Prasad, Mr. Nazeer and Mr. Ramananda Lakshme.**

300. JUA 09/05/2017 Case no: IND 3/2017 State reply: none to date

**Allegations concerning the use of disproportionate force against student demonstrators, and the adoption of measures by the State authorities in Jammu and Kashmir banning 22 social media websites and applications, as well as suspending the networks providing 3G and 4G services.**

301. JAL 20/06/2017 Case no: IND 4/2017 State reply: none to date

**Allegations of a Look Out circular issued against Mr. Kartik Murukutla allegedly in retaliation for his human rights activities including his engagement with the United Nations human rights mechanisms, in particular the UPR and Special Procedures.**

302. JUA 16/08/2017 Case no: IND 7/2017 State reply: none to date

**Allegations concerning the deteriorating human rights situation in the state of Jammu and Kashmir, including violations of the right to life, and the continued**

**restrictions to freedom of expression and freedom of assembly during the months of May, June and July 2017.**

303. JUA 29/08/2017 Case no: IND 8/2017 State reply: none to date

**Allegations concerning the mega project Sardar Sarovar Dam in the Narmada river valley reported to result in the forceful eviction and displacement of 40,000 families and the arrest of human rights defenders Ms. Medha Patkar, Ms. Gayatri, Ms. Vimla, Ms. Manjula, Ms. Pushpa, Ms. Bhagwati, Ms. Sewati, Mr. Dharmendra, Mr. Rameshwar and Mr. Baau, as they engaged in a peaceful protest and hunger strike in opposition to this eviction.**

304. JUA 11/09/2017 Case no: IND 11/2017 State reply: none to date

**Allegations concerning the killing of Ms. Gauri Lankesh, as well as allegations that the authorities failed to grant Ms. Lankesh adequate protection measures in light of threats she had been receiving prior to her killing.**

305. JUA 10/11/2017 Case no: IND 12/2017 State reply: none to date

**Allegations concerning the alleged judicial harassment against Dalit human rights defender Mr. Rajat Kalsan, as well as death threats received by him.**

306. Press release 13/09/2017

**India: UN rights experts urge India to act after murder of journalist Gauri Lankesh.**

307. Press release 11/05/2017

**India: India must restore internet and social media networks in Jammu and Kashmir, say UN rights experts.**

308. The Special Rapporteur regrets that, despite the serious nature of the allegations, the Government of India has not replied to any of the communications sent during the reporting period and urges the Government to re-establish dialogue with his mandate.

309. The Special Rapporteur is particularly concerned about increasingly severe restrictions to freedom of assembly and freedom of expression, particularly in relation to excessive use of force during demonstrations and widespread crackdowns on social media. The Special Rapporteur is also gravely concerned about allegations regarding violations to the rights to life and liberty and security of person, which he has received in the context of excessive use of police force during demonstrations and in relation to the killing of a human rights defender. Other worrying developments relate to legislative restrictions on the functioning of NGOs and the judicial harassment of human rights defenders working on minority or environmental rights.

310. The Special Rapporteur wishes to underline the apparent lack of protection measures for human rights defenders facing threats, which he perceives as an area needing urgent attention. The Special Rapporteur's concerns are amplified by the recent killing of Ms. Gauri Lankesh, a prominent journalist, editor and human rights defender. She was a critical voice who frequently advocated for human rights in the face of religious fundamentalism and right-wing politics. On 5 September 2017, Ms. Lankesh was shot dead outside her home in Bangalore by unidentified men. The Special Rapporteur is particularly concerned about allegations claiming that although Ms. Lankesh had been receiving threats for years in relation to her human rights work, she did not receive adequate protection measures to ensure her safety. The mandate holder believes that the preventable death of Ms. Lankesh magnifies the importance of providing protection for human rights defenders under threat. He reminds the Government of its positive obligations, as outlined in General Comment No. 31 of the Human Rights Committee, to ensure protection of individuals against violations by its agents and by private persons or entities, which includes the duty to exercise due diligence to prevent, punish, investigate or redress the harm caused by non-State actors.

311. The Special Rapporteur has been following developments regarding the Foreign Contribution Regulation Act (FCRA) and its adverse impact on the rights and work of a

number of human rights defenders in India. The mandate holder reiterates concerns regarding the decision of the Ministry of Home Affairs of India to suspend the registration of the organization Lawyers Collective for six months, accusing the organization and its directors of violating FCRA regulations in the inspection of accounts. The organization is no longer allowed to receive international funding for its work. The Special Rapporteur cannot dismiss the likelihood that these restrictive measures are linked to Lawyers Collective's critical voice and activities on the promotion and protection of human rights in India.

312. The Special Rapporteur appreciates the 16 November 2016 intervention made by the National Human Rights Commission (NHRC) of India, which informed that it had taken suo motu cognizance of the cases of human rights NGOs, which were denied renewal of their license to receive foreign funding under the FCRA. The NHRC noted that "prima-facie it appears that FCRA license non-renewal is neither legal nor objective and thereby impinging on the rights of the human rights defenders both in access to funding including foreign funding". The NHRC put forward a set of directions to the Ministry of Home Affairs of the Government of India to be complied with within four weeks. The initial step taken by the Indian NHRC is a positive development to ensure that the right to freedom of association is respected and protected in India. Nevertheless, the Special Rapporteur regrets that almost a year has lapsed and there is still no publicly available information that would indicate that the NHRC's directions have been followed. The misuse of the FCRA by the Government, as well as the targeting human rights organizations, is a matter of serious concern, particularly so as it takes place in the world's largest democracy. The Special Rapporteur encourages the NHRC to continue its efforts to advocate for domestic legislation being brought in full compliance with the State's obligations under international human rights law.

313. The Special Rapporteur expresses concern at allegations of reprisals against the human rights defender Mr. Kartik Murukutla, for his engagement with the United Nations human rights mechanisms, in particular the UPR and Special Procedures. On 24 September 2016, upon his return from the 33rd session of the United Nations Human Rights Council, Mr. Murukutla was detained at the immigration gate and was informed that a "Look Out circular" had been issued in his name. The Special Rapporteur wishes to remind the Government of India that Human Rights Council resolutions 12/2 and 24/24 call on Governments to prevent and refrain from all acts of intimidation or reprisal against those who seek to cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights.

314. The Special Rapporteur is equally concerned about allegations relating to the use of disproportionate force against student demonstrators, who were attacked with pellet guns and tear gas shells by Indian security forces in the State of Jammu and Kashmir while engaging in a protest about the political situation in the region. In addition, the allegations of unlawful killings due to excessive use of force by the police during demonstrations constitute violations to the rights of every individual to life, liberty and security of person as guaranteed by articles 6 and 9 of the ICCPR. In this context, the Special Rapporteur calls on the Government of India to issue clear guidelines to its police force on the circumstances in which the use of force may or may not be permitted under both Indian legislation and international human rights law and to conduct thorough and impartial investigations into the allegations of excessive use of force.

315. The Special Rapporteur notes with regret that human rights defenders working on issues such as caste discrimination, indigenous rights, business and human rights and environmental issues are particularly vulnerable to intimidation and undue restrictions to their work. He has raised concerns regarding intimidation, arrest and detention of human rights defenders, Mr. Chikkudu Prabhakar, Mr. Bhalla Ravindranath, Mr. Durga Prasad, Mr. Duddu Prabhakar, Mr. Rajendra Prasad, Mr. Nazeer and Mr. Ramananda Lakshme, related to their activities defending the rights of indigenous tribal groups in India. A criminal case was filed against them under the Chhattisgarh Special Powers Security Act of 2005, for allegedly possessing "banned literature", as well as old, banned currency notes. The Special Rapporteur is concerned that the human rights defenders were targeted due to

their work in investigating allegations of serious human rights violations committed against an indigenous tribal group.

316. The case of Mr. Rajat Kalsan, a Dalit human rights defender and lawyer, has further sensitized the Special Rapporteur to the risks facing human rights defenders attempting to protect and promote the rights of oppressed groups in India. Mr. Rajat Kalsan advocates for the rights of Dalit communities in Haryana and is vocal about human rights abuses stemming from caste-based discrimination. Mr. Kalsan is facing charges of abetment, criminal conspiracy, promoting enmity between religious groups, imputations prejudicial to national interests, false evidence, false charges of offence, threat to a public servant, statements conducing to public mischief and criminal intimidation under the Indian Penal Code. Mr. Kalsan has also been the subject of numerous death threats. The Special Rapporteur feels that the charges facing Mr. Kalsan are in retaliation against his legitimate and peaceful work as a human rights defender and have the explicit aim of silencing him and exercising a chilling effect on other human rights defenders working on caste-based discrimination in India.

317. The Special Rapporteur expresses his concerns over the situation of ten human rights defenders engaging in a peaceful protest and hunger strike against violations resulting from the mega project Sardar Sarovar Dam who were arrested in August 2017. He wishes to refer the Government of India to the recommendations he made in his thematic report concerning state obligations towards human rights defenders working in the area of business and human rights, which he delivered to the UN General Assembly in October 2017.

## Indonesia

318. JAL 08/09/2017 Case no: IDN 6/2017 State reply: none to date

**Allegations of excessive use of force by police officers during protests, including against children, against Papuan villagers located in Oneibo Village.**

319. The Special Rapporteur regrets that, at the time of finalizing this report, the Government of Indonesia has not replied to the communication issued during the reporting period. Considering the serious nature of the allegations raised in the communication, the Special Rapporteur hopes for a swift reply.

320. The Special Rapporteur is concerned by allegations of excessive police force used against Papuan villagers, some of whom were minors, and which reportedly led to several villagers being killed and others gravely injured. While awaiting the Government's reply and further information on this case, the Special Rapporteur is concerned that the facts as they stand indicate a breach of the rights of every individual to life and security, not to be arbitrarily deprived of life, and not to be subjected to cruel treatments, as set forth in articles 6(1) and 7 of the ICCPR. The allegations also constitute breaches of the rights to freedom of opinion and expression, and freedom of peaceful assembly, as contained in articles 19 and 21 of the ICCPR.

## Iran (Islamic Republic of)

321. JUA 26/01/2017 Case no: IRN 3/2017 State reply: none to date

**Allegations concerning the prosecution of Ms. Raheleh Rahemipor, the sister of Mr. Hossein Rahemipor, whose case is under review by the Working Group on Enforced or Involuntary Disappearances.**

322. JUA 23/03/2017 Case no: IRN 9/2017 State reply: 10/07/2017

**Allegations concerning the situation of Mr. Arash Sadeghi, Iranian human rights defender and his wife Ms. Golrokh Ebrahimi Iraee.**

323. JUA 09/05/2017 Case no: IRN 17/2017 State reply: 10/10/2017

**Allegations concerning the alleged continuous arbitrary detention of Ms. Fatemeh (Atena) Daemi as well as the sentencing of her two sisters, Mses. Hanieh and Ensieh Daemi.**

324. JUA 10/09/2017 Case no: IRN 27/2017 State reply: 27/10/2017

**Allegations concerning the arrest of Ms. Raheleh Rahemipor, the sister of Mr. Hossein Rahemipor, whose case is under review by the Working Group on Enforced or Involuntary Disappearances.**

325. Press release 01/05/2018

**Iran: UN experts urge respect for protesters' rights.**

326. The Special Rapporteur thanks the Government of Iran for the responses received to three of the four communications sent during the reporting period and hopes to receive a swift response to the remaining communication.

327. The Special Rapporteur remains seriously concerned about the situation of human rights defenders in Iran due to the severe obstacles they are facing as a result of undue restrictions to their rights to freedom of expression, assembly and association. The Special Rapporteur is concerned that broadly-defined and vague charges such as "assembly and collusion against national security", "propaganda against the state" and "insulting the Supreme Leader and the sacred" are being used to arbitrarily and disproportionately clamp down on freedom of expression and human rights work which is critical of state policies. The Special Rapporteur is particularly concerned about cases of judicial harassment and detention against human rights defenders, which he fears may exert an overall chilling effect on the work of human rights defenders in Iran. Equally bothering are the tendencies to target the families of human rights defenders as an intimidation tactic to discourage them from continuing their work out of fear for the safety and wellbeing of their family members. The Special Rapporteur notes that the targeting of family members of human rights defenders is a means of intimidation which particularly affects women human rights defenders and is concerned that this approach is being used to target women human rights defenders in Iran.

328. The Special Rapporteur is seriously concerned about the prosecution and subsequent arrest of the woman human rights defender Ms. Raheleh Rahemipor. He regrets that, at the time of issuing this report, the Government of Iran has not replied to the communication sent on 26 January 2017, where the mandate holder raised concerns about the prosecution of Ms. Rahemipor. She was summoned to court in January 2017 for participating in protests and providing interviews to media outlets outside Iran as part of her efforts to gain information on the fate and whereabouts of her brother, Mr. Hossein Rahemipor, whose case is under review by the United Nations Working Group on Enforced or Involuntary Disappearances. The Special Rapporteur regrets that the Iranian Government's reply to the second communication issued on Ms. Rahemipor fails to adequately address the questions raised in the communication regarding information on the specific charges facing Ms. Rahemipor, the evidentiary basis for these charges and how the defender's arrest and detention are compatible with Iran's obligations under international human rights law. Instead, the reply accuses Ms. Rahemipor of raising "fabricated allegations, supported by the MKO terrorist group" and states that, due to her "illegal acts", she was arrested and convicted of propaganda against the State. The reply states that due process of law was respected but fails to elaborate on any of the above concerns or provide substantial evidence.

329. The Special Rapporteur reemphasizes his concerns for the safety and wellbeing of women human rights defenders in Iran due to allegations received by his mandate concerning the continued arbitrary detention of Ms. Fatemeh (Atena) Daemi, as well as the recent sentencing of her two sisters, Ms. Hanieh Daemi and Ms. Ensieh Daemi. The Special Rapporteur welcomes the news that Ms. Daemi's sisters have been released, however he regrets that they have received a suspended sentence, meaning the charge against them of "insulting public officers on duty" still stands, and that they were required to pay bail of 400 million rials. The Special Rapporteur also regrets that the reply fails to provide any justification for the assertion that Ms. Daemi's alleged conviction because of her views on

capital punishment is "unfounded and baseless". The reply also fails to address whether any investigation has been opened into the complaint lodged by Ms. Daemi following her arrest in November 2016 in relation to allegations of violence committed against her by members of the Revolutionary Guards during a raid on her parents' house, which culminated in her arrest. The Special Rapporteur is also seriously concerned about Ms. Daemi's health as, since she started a hunger strike on 8 April 2017 in protest against the suspended prison sentences imposed on her sisters, her health has reportedly seriously deteriorated. Furthermore, the Special Rapporteur has received some worrying reports that Ms. Daemi has been explicitly denied necessary treatment, such as in April 2017 when she was transferred to the prison medical clinic to receive an electrocardiogram but was refused by the male nurse on the basis that it would be "inappropriate" for a male to carry out these tests. The Special Rapporteur is dismayed that no alternative was found in order to ensure that Ms. Daemi received the necessary treatment and tests, particularly in light of her concerning condition. In relation to this, the Special Rapporteur would like to highlight the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) adopted by the General Assembly in resolution 65/229. These rules complement the UN Standards Minimum Rules for the Treatment of Prisoners, providing guidance for specific characteristics and needs for women in prison. The Special Rapporteur cannot dismiss the fact that Ms. Daemi is likely being targeted as a result of her vocal advocacy as a human rights defender who has spoken out for the rights of children in Kobane and Gaza, for women's rights and against capital punishment.

330. The Special Rapporteur expresses serious concern for the situation of the Iranian human rights defender Mr. Arash Sadeghi, and his wife Ms. Golrokh Ebrahimi Iraee. Their situation is another example of heavy charges such as "assembly and collusion against national security", "propagating against the State" and "insulting high ranking officials and spreading lies in the society" being used against human rights defenders who are merely exercising their rights to freedom of expression, assembly and association. Mr. Sadeghi is facing a seven and a half year prison sentence. Ms. Iraee is also charged with propaganda and sacrilege and is facing a five-year sentence. The mandate holder acknowledges the reply sent by the Government of Iran on 11 July 2017 but regrets that the reply merely states their charges and the length of their prison sentences. The reply does not address his concerns on how the charges against Ms. Iraee and Mr. Sadeghi are compatible with international human rights law or how Iran has complied with the rights to due process, fair trial and effective access to legal counsel of one's own choosing, as guaranteed by the ICCPR.

331. The Special Rapporteur expresses particular and grave concern regarding the physical and psychological integrity of Ms. Iraee and Mr. Sadeghi, due to reports that Mr. Sadeghi's health is deteriorating and that he is suffering from numerous health conditions, which were reportedly exacerbated by his decision to renew a hunger strike on 22 January 2017. The Special Rapporteur is also concerned by reports that Ms. Iraee and Mr. Sadeghi have not been allowed to see one another and fears that this may have a detrimental effect on their psychological well-being. The Special Rapporteur would like to draw the attention of the Government of Iran to the Basic Principles for the Treatment of Prisoners, adopted by the General Assembly in resolution 45/111, according to which prisoners should have access to health services available in the country without discrimination on the grounds of their legal situation (principle 9). He also draws attention to the UN Standard Minimum Rules for the Treatment of Prisoners (Mandela Rules), in particular rule 27(1), which provides that all prisons shall ensure prompt access to medical attention in urgent cases.

332. The Special Rapporteur feels it pertinent to refer to the newly adopted General Assembly resolution 72/247 which urges States to acknowledge through public statements, policies, programmes or laws the important and legitimate role of human rights defenders in the promotion of all human rights, democracy and the rule of law as essential components of ensuring their recognition and protection, including by duly investigating and condemning publicly all cases of violence and discrimination against human rights defenders, including women human rights defenders.

## Japan

333. JUA 28/02/2017 Case no: JPN 01/2017 State reply: 10/04/2017

**Allegations concerning the arrest and detention of Mr. Hiroji Yamashiro, in relation to his human rights work and the exercise of his rights to freedom of expression and of peaceful assembly while protesting against the expansion of military bases in Okinawa.**

## Lao People's Democratic Republic

334. JAL 30/06/2017 Case no: LAO 01/2017 State reply: none to date

**Allegations of criminal charges against, and the sentencing and incommunicado detention of human rights defenders Mr. Somphone Phimmasone, Mr. Soukane Chaithad, and Ms. Lodkham Thammavong.**

335. The Special Rapporteur regrets that, as of the issuing of this report, the Government of the Lao People's Democratic Republic has not responded to the communication sent during the reporting period. The Special Rapporteur hopes to receive a reply soon.

## Malaysia

336. JAL 01/12/2016 Case no: MYS 7/2016 State reply: none to date

**Allegations concerning the situations of human rights defenders Ms. Maria Chin Abdullah, Ms. Ambiga Sreenevasan and Mr. Mandeep Singh, in relation to violence and threats to their lives and those of their relatives as well as the arbitrary detention of Ms. Maria Chin Abdullah.**

337. JAL 28/03/2017 Case no: MYS 2/2017 State reply: 10/10/2017

**Allegations concerning the conviction of Ms. Lena Hendry, a former program manager at Pusat KOMAS and human rights defender, for screening a human rights documentary in 2013.**

338. Press release 09/12/2016

**Malaysia: UN experts call on Malaysia to stop targeting human rights defenders under national security legislation.**

339. The Special Rapporteur thanks the Government of Malaysia for the substantial response to the letter sent on 28 March 2017. As of the time of publication of this report, the Government of Malaysia has not responded to the communication sent on 1 December 2016. The Special Rapporteur hopes to receive a response in the near future.

340. The Special Rapporteur is seriously concerned about allegations that human rights defenders working in the promotion of justice and democracy are facing severe threats, intimidation, judicial harassment and arbitrary arrest in Malaysia. In particular, the Special Rapporteur has received worrying information regarding human rights defenders Ms. Maria Chin Abdullah, Ms. Ambiga Sreenevasan and Mr. Mandeep Singh who have been targeted, allegedly as a result of their human rights work, with death threats and intimidation also being extended to family members. Ms. Maria Chin Abdullah received death threats targeting both her and her children if she did not cease her activities as a human rights defender, and points out that this is a specific gender-based threat used to intimidate and silence Ms. Maria Chin Abdullah as a human rights defender through intimidation which focused on her role as a mother. The Special Rapporteur is seriously concerned at allegations that physical attacks and threats to these human rights defenders have not been investigated. Furthermore, the Special Rapporteur is concerned at allegations of judicial harassment in the form of unjustified travel bans against Ms. Maria Chin Abdullah and Ms. Ambiga Sreenavasan and the arrest and detention of Ms. Maria Chin Abdullah under the Security Offences (Special Measures) Act 2012 (SOSMA) from 19 to 28 November 2016. The detention of Ms. Maria Chin Abdullah under SOSMA is of further concern to the

Special Rapporteur as using national security legislation to clamp down on the peaceful and legitimate activities of human rights defenders sets a worrying precedent which may create a hostile environment for human rights defenders and create the wrong perception that human rights work is synonymous with threats to national security.

341. The Special Rapporteur would like to draw the attention of the Government of Malaysia to the fundamental principles set forth in the UN Declaration on Human Rights Defenders. Articles 1 and 2 of the Declaration in particular, state that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms. Article 6 (paras. b and c) of the Declaration provides that everyone has the right to publish, impart or disseminate views, information and knowledge on all human rights and fundamental freedoms, as well as to hold opinions on the observance of all human rights and fundamental freedoms and to draw public attention to those matters.

## Maldives

342. JAL 04/05/2017 Case no: MDV 01/2017 State reply: none to date

**The killing of Mr. Yameen Rasheed, a 29-year-old human rights defender, blogger and well-known social media activist in the Maldives.**

343. Press release 05/09/2017

**The Maldives must investigate murder of journalist Yameen Rasheed and hold those responsible to account – UN experts.**

344. The Special Rapporteur expresses his deep regret that, at the time of publishing this report, he has not received a response from the Government of the Maldives to his letter of 4 May 2017.

345. The Special Rapporteur is deeply affected by, and condemns in the strongest possible terms, the brutal assassination of the young but already well-known human rights defender, blogger and journalist Mr. Yameen Rasheed, which he has strong grounds to believe was directly related to his human rights work and the exercise of his right to freedom of expression online. Through his blog "The Daily Panic", Mr. Rasheed commented on a range of topics, including politics and religion. He was well-known for being an outspoken critic of the government and denouncing public corruption and attacks on the right to freedom of expression, as well as for raising his voice against impunity for crimes against journalists and human rights defenders reportedly committed by radical Islamist groups. Mr. Rasheed was also at the forefront of a campaign seeking accountability and justice for Mr. Ahmed Rilwan, a disappeared journalist and human rights defender. On 23 April 2017, Mr. Rasheed was found in the stairwell of his residence with multiple stab wounds to his head, neck and body. He subsequently died as a result of his injuries. The Special Rapporteur is gravely concerned at reports that Mr. Rasheed had been subjected to targeted and malicious threats for some time prior to his killing and that despite having reportedly filed a complaint with the Maldives Police Service and the Cyber Crime Investigation Unit due to the persistent and serious nature of the threats, the Police Service allegedly dropped his complaint without undertaking an investigation. Whilst recognizing that the authorities have reportedly initiated an investigation into the killing of Mr. Rasheed leading to the arrest of two individuals, the Special Rapporteur urges for a thorough and independent public inquiry to take place and would appreciate an update from the Government on the status of investigations. The Special Rapporteur expresses final concerns that the killing of Mr. Rasheed takes place in a context of increased religious intolerance in the country and increased attacks against individuals who express liberal or independent views.

## Myanmar

346. JUA 20/04/2017 Case no: MMR 2/2017 State reply: none to date

**Allegations concerning the death threats and ongoing harassment and intimidation faced by lawyer Mr. Robert Sann Aung, particularly following the targeted killing of lawyer Mr. Ko Ni on 29 January 2017 whose profile is similar to that of Mr. Robert Sann Aung.**

347. JUA 18/08/2017 Case no: MMR 7/2017 State reply: 08/09/2017

**Allegations concerning criminal charges for defamation brought against Mr. Swe Win, a journalist, for comments he made on Facebook, as well as for the continuation for over a year of the detention and prosecution of human rights defender Mr. Khine Myo Htun for charges of defamation and incitement against a military official.**

348. The Special Rapporteur acknowledges the Government of Myanmar's reply to the communication sent on 18 August 2017 but regrets that the response did not answer the majority of the questions raised in the communication or provide any information on the case of Mr. Swe Win. The Special Rapporteur further regrets that, despite the serious nature of the allegations raised in the communication sent on 20 April 2017, at the time of publishing this report, the Government of Myanmar is yet to send a response.

349. The Special Rapporteur is seriously concerned about the situation of human rights defenders in Myanmar given the number of serious cases shedding light on the dangerous environment in which they operate. The Special Rapporteur is seriously concerned about the psychological and physical integrity of the human rights defender and lawyer, Mr. Robert Sann Aung, who has been subjected to ongoing death threats, harassment and intimidation. The Special Rapporteur believes there are additional grounds for concern regarding the safety of Mr. Robert Sann Aung in light of the fact that his profile corresponds with that of the lawyer, Mr. Ko Ni, who was killed while arriving at Yangon international airport on 29 January 2017. The threats against Mr. Sann Aung have intensified since the killing of Mr. Ko Ni and the Special Rapporteur is concerned at reports that Mr. Sann Aung has been followed on several occasions while in transit at Mandalay airport. The Special Rapporteur urges the Government of Myanmar to ensure adequate protection for Mr. Sann Aung and to investigate the threats he has been facing. In this regard, the Special Rapporteur recalls that principle 4 of the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions establishes the obligation of States to ensure effective protection to those who receive death threats and are in danger of extra-legal, arbitrary or summary executions.

350. The Special Rapporteur is also concerned about allegations of criminal charges for defamation brought against Mr. Swe Win, a human rights defender and journalist, and expresses further concern for Mr. Khine Myo Htun, who has been detained for over a year, also on charges of defamation. The Special Rapporteur maintains that freedom of expression is an essential criterion in order for human rights defenders to be able to carry out their work and that the arbitrary use of defamation charges in order to prosecute human rights defenders may create a hostile environment discouraging them from carrying out their vital work. The Special Rapporteur encourages the Government of Myanmar to promote understanding of the important work carried out by human rights defenders and, in this regard, recalls Human Rights Council resolution 22/6, which urges States to acknowledge publicly the important and legitimate role of human rights defenders in the promotion of human rights, democracy and the rule of law.

## Nepal

351. JOL 27/07/2017 Case no: NPL 4/2017 State reply: 31/07/2017

**Concerning the Nepal Act on the Commission on Investigation of Disappeared Persons, Truth and Reconciliation 2071, adopted on 25 April 2014; the lack of significant progress in the work of the Truth and Reconciliation Commission and Commission on the Investigation of Enforced Disappearance; the need to enhance participation and to better guarantee the protection of victims and witnesses, and implement court verdicts concerning transitional justice.**

352. The Special Rapporteur takes note of the reply of the Government of Nepal from 31 July 2017 where the Government acknowledged receipt of the letter. The Special Rapporteur hopes to receive a detailed response to his letter in the near future.

## Pakistan

353. JUA 11/01/2017 Case no: PAK 1/2017 State reply: none to date

**Allegations concerning the disappearances of four human rights defenders who went missing between 4 and 7 January 2016 in Pakistan: Mr. Waqas Goraya, Mr. Asim Saeed, Mr. Salman Haider, and Mr. Ahmed Raza Naseer.**

354. JAL 28/06/2017 Case no: PAK 3/2017 State reply: none to date

**Allegations concerning the alleged harassment and death threats received by Mr. Rana Tanveer.**

355. JUA 27/07/2017 Case no: PAK 5/2017 State reply: none to date

**Allegations concerning threats and acts of intimidation against Mr. Adil Ghaffar, a lawyer and human rights defender who has actively engaged with the United Nations human rights mechanisms.**

356. The Special Rapporteur regrets that despite the serious nature of the allegations raised in the three communications sent to the Government of Pakistan, the Government has so far not responded to any of the communications. The Special Rapporteur encourages the Government of Pakistan to re-establish dialogue with his mandate and other mandate holders of the Human Rights Council.

357. The Special Rapporteur is seriously concerned about the situation of human rights defenders in Pakistan, noting that the disappearance of human rights defenders is an area of particular concern and an issue which the Special Rapporteur is often alerted to. The Special Rapporteur fears that human rights defenders in Pakistan are operating in a perilous environment where death threats and intimidation are common obstacles which they have to face. The Special Rapporteur has noted that human rights defenders often face accusations of blasphemy while exercising their right to freedom of expression in Pakistan. He is also concerned over Pakistan's record of impunity with regards to arresting and convicting individuals carrying out attacks on human rights defenders. The fact that many human rights defenders are accused of blasphemy has emboldened hostile actors and fostered an increasingly violent climate, particularly for those working on religious freedom and minority rights.

358. The Special Rapporteur is extremely concerned about allegations concerning the disappearances of four human rights defenders who went missing between 4 and 7 January 2016 in Pakistan, Mr. Waqas Goraya, Mr. Asim Saeed, Mr. Salman Haider, and Mr. Ahmed Raza Naseer. The Special Rapporteur has grounds to believe that their disappearances were in retaliation against their legitimate and peaceful work as human rights defenders exercising their right to freedom of expression. The Special Rapporteur notes with relief that according to information he has received, on 28 January 2017, the four human rights defenders were released separately.

359. The Special Rapporteur is also seriously concerned about the psychological and physical integrity of Mr. Rana Tanveer, a human rights defender and journalist who has reported extensively on minority rights and blasphemy laws in Pakistan. The Special Rapporteur has received worrying allegations that in May 2017, Mr. Tanveer's house was vandalized with a death threat painted on his door. In June 2017, Mr. Tanveer allegedly suffered an assassination attempt when a car rammed into him as he was riding his motorbike. The Special Rapporteur received information that on 10 June 2017, a murder attempt First Information Report was registered related to the death threats received by Mr. Tanveer as well as the hit and run incident and requests that the Government of Pakistan update him on the status of these investigations. The Special Rapporteur would like to draw the Government of Pakistan's attention to the UN Declaration on Human Rights Defenders, and in particular to article 12, (paragraphs 2 and 3), which provides that the State shall take

all necessary measures to ensure the protection of everyone against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration.

360. The Special Rapporteur pays very close attention to allegations of reprisals against human rights defenders who have engaged with the United Nations human rights mechanisms, including the Special Procedures. In this regard, the Special Rapporteur is seriously concerned at allegations that the human rights defender and lawyer, Mr. Adil Ghaffar, has received threats and suffered acts of intimidation, reportedly as a result of his engagement with the United Nations human rights mechanisms. The Special Rapporteur feels that it is pertinent to recall Human Rights Council resolutions 12/2 and 24/24, which urge Governments to prevent and refrain from any act of intimidation or reprisal against those who seek to cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights, or who have provided testimony or information to them. Resolution 24/24 urges States to take all appropriate measures to prevent the occurrence of reprisals, including by adopting and consequently implementing specific legislation and policies and by issuing appropriate guidance to national authorities in order to effectively protect those who seek to cooperate, cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights from any act of intimidation or reprisal.

## Papua New Guinea

361. JAL 19/09/2017 Case no: PNG 1/2017 State reply: none to date

**Allegations concerning intimidation, police harassment and reprisal against human rights defender Mr. Joe Avapuru Moses and his family in connection with his work defending the rights of the Paga Hill Settlement community from illegal land grabbing and forced eviction.**

362. The Special Rapporteur regrets that as of the publication of this report, the Government of Papua New Guinea has not sent a response to the communication dated 19 September 2017.

363. The Special Rapporteur is concerned about allegations of intimidation, police harassment and retaliation against Mr. Joe Avapuru Moses and his family, in connection with his work as a land rights defender, representing and promoting the rights of approximately 3,000 persons residing at the Paga Hill Settlement against alleged human rights violations stemming from land grabbing, corruption and the impact of forced evictions on urban communities. The Special Rapporteur would like to draw the Government of Papua New Guinea's attention to Human Rights Council resolution 31/32 which in paragraph 2 calls upon all States to take all measures necessary to ensure the rights and safety of human rights defenders, including those working towards realization of economic, social and cultural rights and who, in so doing, exercise other human rights, such as the rights to freedom of opinion, expression, peaceful assembly and association, to participate in public affairs, and to seek an effective remedy. It further underlines in paragraph 10 the legitimate role of human rights defenders in mediation efforts, where relevant, and in supporting victims in accessing effective remedies for violations and abuses of their economic, cultural rights, including for members of impoverished communities, groups and communities vulnerable to discrimination, and those belonging to minorities and indigenous peoples. The Special Rapporteur would also like to refer to the UN Guiding Principles on Business and Human Rights, which were endorsed by the Human Rights Council in its resolution 17/31, and in particular to a comment on principle 26 which emphasizes that "States must ensure (...) that there is no obstacle to the legitimate and peaceful activities of human rights defenders."

## Philippines

364. UUA 27/03/2017 Case no: PHL 5/2017 State reply: 07/04/2017

**Allegations concerning the persecution and threats, as well as the judicial harassment, arrest and detention of Senator Leila M. De Lima, in connection with her criticism of government policies surrounding the drug war in the Philippines, including the extrajudicial killing of drug suspects and the proposal to reinstate the death penalty.**

365. JAL 27/07/2017 Case no: PHL 8/2017 State reply: 03/08/2017, 13/09/2017

**Allegations concerning acts of intimidation and harassment against indigenous communities, as well as 47 executions committed against human rights defenders, labour union organizers, and members of organizations protecting the rights of Lumad indigenous peoples.**

366. JAL 02/10/2017 Case no: PHL 12/2017 State reply: none to date

**Allegations concerning the deterioration of the human rights situation in the Philippines since 2016, the repeated targeting of human rights defenders, including women human rights defenders and the defamatory and intimidating public statements directed at the Commission on Human Rights of the Philippines (CHR), its members and the Chairperson Mr. Chito Gascon.**

367. JAL 13/11/2017 Case no: PHL 13/2017 State reply: 21/11/2017

**Allegations concerning the extrajudicial, arbitrary or summary killings of 36 persons in the Philippines in the context of the Government's anti-drug campaign.**

368. Press release 31/07/2017

**Philippines: Philippines needs urgent action to reverse spiralling rights violations, UN experts say.**

369. Press release 23/11/2017

**Philippines: UN experts urge Philippines to stop attacks and killings in anti-drugs campaign.**

370. Press release 25/01/2017

**Philippines: UN experts express serious alarm at effort to shut down independent media outlet in the Philippines.**

371. The Special Rapporteur acknowledges the replies of the Government of the Philippines to three out of the four communications sent during the reporting period. The Special Rapporteur nonetheless regrets that several of these replies were unsubstantial and failed to provide responses to the questions raised or shed light on the serious allegations contained in his letters.

372. The mandate holder is gravely concerned that since 2016, the situation for human rights defenders has become critical in the Philippines, with allegations concerning the repeated targeting of human rights defenders, including women human rights defenders and the defamatory and intimidating public statements directed at the Commission on Human Rights of the Philippines (CHR), its members and the Chairperson Mr. Chito Gascon. The defamation campaign directed at the CHR, its Chairperson as well as other members has included public statements containing threats and intimidation by high level public officials and the President of the country. In relation to this, the Special Rapporteur wishes to refer to the newly adopted General Assembly resolution 72/247, which underlines the value of national human rights institutions in the continued engagement with human rights defenders, in the monitoring of existing legislation and in consistently informing the State about its impact on the activities of human rights defenders.

373. The vilification and stigmatization of human rights defenders puts them at further risk of threats, intimidation and killings, in what is already a highly volatile environment for those engaged in the protection and promotion of human rights. The Special Rapporteur is particularly alarmed at allegations of threats and harassment against human rights defenders expressing critical opinions regarding the Government's policies on combatting drugs in the Philippines. The Special Rapporteur has received worrying reports that several

lawyers and human rights defenders who represent alleged drug users as well as judges ruling over drug related cases have also been subjected to harassment and threats due to the nature of their work.

374. He is also aware, that specific groups of defenders are facing additional hurdles and vulnerability. The Special Rapporteur is deeply concerned at allegations of intimidation and harassment against indigenous communities, as well as executions committed against human rights defenders, labour union organizers, and members of organizations protecting the rights of Lumad indigenous peoples, farmers and their families. The Special Rapporteur is gravely concerned that these extrajudicial executions have been in retaliation against the human rights activities of these persons who were defending the rights of local communities, particularly in the Provinces of Nueva Ecija, Capiz, Bukinenon, Misamis Occidental, North Cotabato, Compostella Valley, Agisan del Norte and Basilian, among others. The Special Rapporteur calls on the Government of the Philippines to conduct timely and thorough investigations into these allegations. He would like to draw the Government of the Philippines' attention to the ICCPR which was ratified by the Philippines in 1986, and in particular to article 6 which guarantees the right of every individual to life and security and not to be arbitrarily deprived of life. The facts, as they stand pending further investigation and clarification by the Government of the Philippines, indicate severe and multiple violations of this right.

375. The subjection of human rights defenders to persecution and threats can be a precursor to more serious efforts to target and silence critical voices in society. In this vein, the Special Rapporteur is seriously concerned at allegations that Ms. Leila de Lima, a human rights defender and senator, has been subjected to public and private intimidation, persecution, threats, as well as judicial harassment, arrest and detention for her critical stance on the human rights implications of Government policies surrounding the "war on drugs" in the Philippines, including the wide reaching consequences of this policy in the context of extrajudicial killings of suspected criminals and the proposal to reinstate the death penalty. Ms. de Lima suffered additional intimidation as a woman human rights defender due to the intense and serious nature of the targeted misogynistic threats she faced, thereby compounding and doubling the persecution she has endured and continues to endure. Ms. de Lima has been subjected to heavy judicial harassment and charged on the basis of testimonies by several detainees at Manila's New Bilibid prison, who allege that she accepted money from "drug lords" and facilitated a drug-trading operation while she was Secretary of Justice. Ms. de Lima was arrested on 24 February 2017 and, if convicted, could face between 12 years to life in prison. The Special Rapporteur sees sufficient grounds to fear that Ms. de Lima's arrest, and the charges facing her, are part of a politically-motivated defamation campaign aimed at silencing the senator and hindering her legitimate and peaceful work in the protection and promotion of human rights in the Philippines. He is also dismayed that in the case of Ms. de Lima, due process and fair trial guarantees have allegedly not been respected.

376. The Special Rapporteur wishes to recall the vital role of human rights defenders in society and their legitimate work as peaceful advocates for human rights. In this regard, he raises his concerns that instead of recognizing the value of such work, the Government of the Philippines is contributing to the obstacles facing human rights defenders through defamation campaigns, hostile rhetoric and severe sanctions.

377. The Special Rapporteur wishes to echo the position expressed by the UN High Commissioner for Human Rights in his opening statement to the 36th Session of the Human Rights Council on 11 September 2017, about the "apparent absence of credible investigations into reports of thousands of extrajudicial killings, and the failure to prosecute any perpetrator". He further noted that "many human rights defenders who are the honour of their country face a growing number of death threats". The Special Rapporteur urges the Government to ensure that human rights defenders in the Philippines are provided with a possibility to carry out their peaceful and legitimate activities in a safe and enabling environment, without fear of any retaliatory acts, stigmatization or threats directed at them or their families.

## Singapore

378. JAL 11/07/2017 Case no: SGP 3/2017 State reply: 08/09/2017

**Allegations concerning the recent amendments adopted to the Public Order Law on 3 April 2017, which could significantly restrict the right to freedom of peaceful assembly in the country, including its significant impact on the organization of the annual "Pink Dot" festival.**

379. The Special Rapporteur thanks the Government of Singapore for the substantial reply to the communication sent on 11 July 2017 on the adoption of the Public Order Act, which regulates public assemblies. The reply provides detailed explanations as to how the amendments comply with national legislation; however, the Special Rapporteur regrets that the reply does not address how the Act is in conformity with international human rights standards.

## Sri Lanka

380. JUA 23/03/2017 Case no: LKA 1/2017 State reply: none to date

**Allegations concerning acts of intimidation and reprisals against [redacted], and against members of the non-governmental organization [redacted].**

381. JUA 26/05/2017 Case no: LKA 2/2017 State reply: none to date

**Allegations concerning the systematic and ongoing harassment and intimidation of Father Elil Rajendram, a Tamil Jesuit Priest and human rights defender.**

382. JUA 19/07/2017 Case no: LKA 4/2017 State reply: none to date

**Allegations concerning the threats received by Mr. Lakshan Dias, a prominent human rights lawyer and defender, following his public criticism of the attacks against religious minorities along with the ongoing attacks, violence and harassment against Evangelical Christian communities in Sri Lanka.**

383. The Special Rapporteur regrets that at the time of publication of this report the Government of Sri Lanka has not replied to any of the three communications sent during the reporting period. The Special Rapporteur encourages the Government of Sri Lanka to resume dialogue with the mandate.

384. The Special Rapporteur expresses concern over the pattern of reported judicial harassment techniques used to target human rights defenders in the country during the reporting period. The Special Rapporteur expresses further concern over the alleged failure of law enforcement officials to provide adequate protection to human rights defenders, especially those forming parts of cultural and religious minorities, against threats and harassment emanating from the majorities in their communities. The Special Rapporteur calls upon Sri Lankan authorities to provide information to the mandate on any ongoing investigations into allegations made in this regard. He further expresses his preoccupation over the alleged tactics used by law enforcement officials of intimidating and harassing the family members of human rights defenders in order to suppress their peaceful human rights work.

385. The Special Rapporteur expresses concern for alleged actions taken in reprisal against human rights defender [redacted] in supposed retaliation to his engagement with the United Nations Human Rights Council. On 11 March 2017, officers from the Criminal Investigation Department (CID) allegedly arrived to [redacted]'s house in Kalmunai, and threatened his relatives. Later that day, two colleagues of [redacted] were threatened by officers, who claimed that they had been placed under investigation. The Special Rapporteur notes the timing of these threats as they coincided with the human rights defender's participation with United Nations mechanisms, and believes that such threats may be in retaliation against his participation. The Special Rapporteur wishes to remind the Government of Sri Lanka that Human Rights Council resolutions 12/2 and

24/24 call on Governments to prevent and refrain from all acts of intimidation or reprisal against those who seek to cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights.

386. The Special Rapporteur expresses his concern over the alleged repeated harassment of Fr. Elil Rajendram by members of military intelligence and law enforcement. In May 2017, Fr. Elil began organizing a project to honour the memory of some of the victims of Sri Lanka's armed conflict. The project involved laying a number of stones, with the names of victims from the last phase of Sri Lanka's civil war carved on them, in the vicinity of St. Paul's Church in Mullivaikkaal. During the first two weeks of May, the human rights defender and the stonemason which he had hired were repeatedly harassed. Fr. Elil was visited six times by military intelligence officials and/or police in just a few days and on 16 May 2017 Fr. Elil was requested to provide names of the victims which were to be carved on the stones, specifically, whether any of those commemorated was affiliated with the Liberation Tigers of Tamil Eelam (LTTE). The Sri Lankan Prevention of Terrorism Act has been interpreted to consider any form of memory of fallen LTTE a threat to national security. Between 18 and 25 May 2017 Fr. Elil was summoned to give statements to police on multiple occasions. His parents were also visited and requested to provide information on their son's activism and whereabouts. The Special Rapporteur believes that excessive restrictions placed on freedom of expression and worship under the guise of national security hinder the full enjoyment of the human rights enshrined in international human rights instruments. He recalls article 6(b) of the UN Declaration on Human Rights Defenders which states that "Everyone has the right to freely publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms".

387. The Special Rapporteur expresses final concern over the alleged threats and stigmatizing statements made by high level officials regarding Mr. Laksham Dias, following opinions which he had given on a talk show highlighting the high number of attacks against Christians and Muslims in Sri Lanka. On 14 June 2017, human rights defender and lawyer Mr. Laksham Dias appeared on a panel show, "Aluth Palimenthuwa", noting that an estimated 195 incidents, including some cases of attacks on Christians had been reported between January 2015 and June 2017 and expressing the view that Buddhist monks were behind some of the attacks. Days later, high level officials publicly threatened to disbar Mr. Dias unless he retracted his statement. On 18 June 2017, a protest march called for the arrest and punishment of the human rights defender. The Special Rapporteur recalls the right to freedom of expression enshrined in article 19(1) ICCPR, along with article 11 of the UN Declaration on Human Rights Defenders, which states that "Everyone has the right, individually and in association with others, to the lawful exercise of his or her occupation or profession. Everyone who, as a result of his or her profession, can affect the human dignity, human rights and fundamental freedoms of others should respect those rights and freedoms and comply with relevant national and international standards of occupational and professional conduct or ethics".

## Thailand

388. JUA 24/01/2017 Case no: THA 1/2017 State reply: 26/01/2017

**Allegations of arbitrary arrest and detention, failure to provide due process of law, and judicial harassment of a student activist and human rights defender, Mr. Jatupat Boonpatararaksa, for sharing a BBC Thai news profile on Thailand's new king.**

389. JAL 11/04/2017 Case no: THA 2/2017 State reply: 19/04/2017, 10/08/2017

**Allegations of judicial harassment, reprisals, and restrictions on freedom of opinion and expression and freedom of assembly on national security grounds against Ms. Sirikan Charoensiri, a Thai lawyer and human rights defender.**

390. JAL 10/04/2017 Case no: THA 3/2017 State reply: 19/04/2017

**Allegations of the harassment, intimidation, and criminalization of environmental human rights defenders and journalists by private mining corporations.**

391. JUA 30/06/2017 Case no: THA 4/2017 State reply: 11/07/2017

**Allegations concerning acts of intimidation, and reprisals in the form of harassment and death threats received by Mr. Maitree Chamroensuksakul, human rights defender, including the search at his house and the detention of two of his relatives.**

392. JAL 13/09/2017 Case no: THA 6/2017 State reply: 22/09/2017

**Allegations concerning acts of intimidation, harassment and death threats on the Internet against three women human rights defenders from Thailand, Ms. Angkhana Neelapaijit, Ms. Pornpen Khongkachonkiet and Ms. Anchana Hemmina.**

393. The Special Rapporteur thanks the Government of Thailand for its responses to all communications sent by him during the reporting period. He takes note of details provided by the Government regarding the status of the legal proceedings referenced and measures developed by the Government with an aim to providing a safe and enabling environment for the activities of human rights defenders.

394. It is with regret the Special Rapporteur observes that the overall situation of human rights defenders in Thailand has deteriorated in recent years. Defenders face numerous risks as a result of their human rights work, including being subjected to intimidation, surveillance, harassment, death threats, assaults and arrests and detentions. Various laws are used by authorities to file complaints against human rights defenders, including criminal defamation (under the Criminal Code), refusing to comply with authorities' orders, the Computer Crime Act, civil defamation, sedition (under the Criminal Code) and violation of National Council for Peace and Order (NCPO) orders. Incidents of harassment and vilification on social media against human rights defenders also continue to be reported. Human rights defenders continue to be investigated and charged under *lèse-majesté* offences for allegedly criticizing the royal family. Harsh and lengthy sentences on *lèse-majesté* cases have been frequent since 2014. In the recent years the independent experts of the Human Rights Council have sent a number of communications to the Government of Thailand which raised concerns regarding the *lèse-majesté* legislation as well as individual cases affected by it.

395. Human rights defenders are being increasingly challenged for engaging in legitimate activities to address alleged abuses by business enterprises. In particular, Thai authorities and business enterprises rely on criminal prosecutions to restrict human rights defenders' rights to freedom of peaceful assembly and freedom of expression. Environmental and land rights defenders face a more serious level of threats related to the nature of their activities. Many of them operate in remote provinces where they do not have access to protection mechanisms or to national and international bodies or organizations.

396. The Special Rapporteur wishes to draw particular attention to the situation of women human rights defenders in Thailand, who face frequent acts of intimidation, judicial harassment and death threats in connection with the realization of their human rights work. The mandate holder remains concerned by acts of intimidation, harassment and death threats on the Internet against three women human rights defenders from Thailand, Ms. Angkhana Neelapaijit, Ms. Pornpen Khongkachonkiet and Ms. Anchana Hemmina, which appear to be in connection with the exercise of the right to freedom of expression in the realization of their human rights work. Ms. Angkhana Neelapaijit is a Commissioner of the National Human Rights Commission of Thailand (NHRCT). Ms. Pornpen Khongkachonkiet is the Director of Cross-Cultural Foundation, which has documented over 150 cases of torture and ill-treatment and provided direct assistance to torture victims under the United Nations Voluntary Fund for Victims of Torture. Ms. Anchana Hemmina is a co-founder of the Duay Jai (Hearty Support), a human rights NGO which provides support to victims of torture in the Southern Border Provinces.

397. The Special Rapporteur wishes to remind the Government of Thailand of General Assembly's landmark resolution 68/181 as well as Human Rights Council resolution 31/32,

in which States expressed particular concern about systemic and structural discrimination and violence faced by women human rights defenders. In 2012, recognizing the importance of eliminating violence against women in public and political life, the General Assembly, in its resolution 66/130, called for an environment of zero tolerance for violence against women elected officials and candidates for public office.

398. The Special Rapporteur acknowledges the response received to the communication dated 24 January 2017 regarding Mr. Jatupat Boonpatararaksa's situation and, notwithstanding the Government's reference to national security and public order justifications for its actions, remains very concerned by the gravity of the allegations and his ongoing detention. The Government charged Mr. Jatupat Boonpatararaksa under both the *lèse-majesté* provision of the Criminal Code and the Computer Crime Act for sharing a BBC Thai news profile of Thailand's new King on his private Facebook page. According to information which has been made available to the mandate, Mr. Jatupat Boonpatararaksa has been sentenced to five years imprisonment in August 2017, with the sentence being commuted to two and half year's imprisonment. The Special Rapporteur is dismayed at the sentencing of the human rights defender, which he believes represents a criminalization of legitimate expression and is therefore incompatible with Thailand's obligations under international human rights law.

399. The Special Rapporteur is equally concerned about allegations of acts of intimidation and death threats received by Mr. Maitree Chamroensuksakul, which seem to be closely related to his activities as a minority and youth rights defender, including his active and vocal engagement for seeking justice over a young activist's murder in March 2017. According to information received, Mr. Chamroensuksakul has reported these threats to the police and registered a complaint at the Na Wai Police Station. The Special Rapporteur would appreciate receiving information from the Government of Thailand on the status of the investigations into the threats received by Mr. Chamroensuksakul as well as any efforts undertaken by the authorities to ensure his physical and psychological integrity.

## Viet Nam

400. JUA 24/02/2017 Case no: VNM 1/2017 State reply: none to date

**Allegations concerning the arbitrary arrest and prolonged incommunicado detention, harassment and assaults against environmental human rights defender and blogger Ms. Nguyen Ngoc Nhu Quynh, related to her work on the massive dead fish case.**

401. JUA 21/03/2017 Case no: VNM 2/2017 Rev. 1 State reply: 26/07/2017

**Alleged use of excessive force, lack of protection by the police, and arrests, threats and violence committed against environmental human rights defenders related to their work on the massive dead fish case.**

402. JAL 17/03/2017 Case no: VNM 3/2017 State reply: 16/06/2017

**Allegations of arbitrary arrest, harassment, and violence by police forces, and criminalization and the use of administrative restrictions to impede the legitimate activities of seven human rights defenders participating in a peaceful human rights training course.**

403. JUA 28/06/2017 Case no: VNM 4/2017 State reply: 19/09/2017

**Allegations concerning the arbitrary detention of Ms. Nguyen Ngoc Nhu Quynh (also known as Mother Mushroom) and violent attack against Ms. Le My Hanh, in what appears to be a retaliation for their legitimate environmental human rights work related to the environmental pollution, caused by toxic waste discharge from the Formosa steel plant in Ha Tinh in April 2016.**

404. JAL 21/09/2017 Case no: VNM 6/2017 State reply: 23/11/2017, 05/01/2018

**Allegations concerning the arrest and incommunicado detention of Mr. Nguyen Bac Truyen, Mr. Truong Minh Duc, Mr. Nguyen Trung Ton, Mr. Pham Van Troi and Mr. Nguyen Van Truc, as well as of Mr. Le Dinh Duong, allegedly in relation to their activities as human rights defenders and pro-democracy activists.**

405. JAL 29/11/2017 Case no: VNM 7/2017 State reply: none to date

**Allegations concerning the eviction of Ms. Mai Khoi from her home following her protest against the visit to Hanoi by the President of the USA.**

406. Press release 30/06/2017

**Vietnam: UN experts condemn Viet Nam's jailing of prominent blogger Mother Mushroom.**

407. Press release 08/03/2017

**Vietnam: UN rights experts condemn Viet Nam for incommunicado detention of blogger 'Mother Mushroom'.**

408. The Special Rapporteur thanks the Government of Viet Nam for responses to communications dated 17 March, 21 March, 28 June and 21 September 2017. He takes note of the explanations regarding measures aimed at protecting human rights in Viet Nam. He nevertheless regrets that the replies fall short of addressing all allegations contained in the letters as well elaborating on their compliance with Viet Nam's international human rights obligations.

409. The number and type of reported incidents that happened in Viet Nam in this reporting period heighten the Special Rapporteur's deep concerns over the deteriorating situation faced by human rights defenders in the country, particularly, but not exclusively, those working on the case of the Formosa toxic waste and the related massive death of fish, who often face criminal prosecution, threats, violent attacks and various forms of harassment as retaliation against their legitimate work.

410. The Special Rapporteur is seriously concerned by allegations of arbitrary arrest and detention, excessive use of force and violence by police and others, harassment, criminalization of and impediments to the exercise of freedom of expression and assembly. This concerns, inter alia, the peaceful march held on 14 February 2017, during which approximately 700 protestors and human rights defenders mobilized to submit legal claims against Formosa Plastics. The march was violently dispersed by the police who arbitrarily arrested and detained numerous participants, some of whom also faced threats and harassment made against them and their family members.

411. These allegations echo those made concerning Ms. Nguyen Ngoc Nhu Quynh, a blogger and human rights defender who has experienced repeated harassment, assault, and detention, including having been subject to a travel ban, multiple detentions and interrogations, beatings, a kidnapping, and confiscation of her identify documents and personal belongings. Ms. Nguyen's family members also have been the target of police harassment and were denied permission to visit her during her detention. Notwithstanding Ms. Nguyen having been denied access to legal counsel and held in prolonged incommunicado detention, on 29 June 2017, she was sentenced to ten years imprisonment for "conducting propaganda against the state". The Special Rapporteurs note with utmost concern that the retaliation against human rights defenders through arrest, detention, attacks and harassment are not isolated incidents, but are part of a broader pattern of human rights violations targeted at activists in the country, including those who have tried to help the victims of the Formosa environmental incident.

412. The reported attack in Ho Chi Minh city on 2 May 2017, of Ms. Le My Hanh, a journalist and human rights defender, by a group of five individuals, is another case that illustrates this pattern. Ms. Le and two of her friends were assaulted by these individuals while in her friend's apartment. It was reported that Ms. Le was knocked unconscious and left with injuries to the face, and one of the attackers later posted a video of the assault on his Facebook page along with a threatening message. Ms. Le My Hanh reported the attacks to local police, nevertheless, it is alleged that they attempted to persuade her to drop the complaint because her injuries "were not serious".

413. The Special Rapporteur regrets that in the reply submitted by the Government on 19 September 2017, it is argued that "as the level of injuries of the victim are not determined, there are insufficient grounds to initiate criminal proceedings under Article 104 of the Criminal Code on 'Intentionally wounding or causing bodily harm upon another person', which applies from a certain level of seriousness of injury". He welcomes the news that following an investigation, three out of five alleged attackers have been fined. Nevertheless, the Government's claims that Ms. Le My Hanh's injuries were not serious enough to initiate criminal proceedings and that the clash between Ms. Le My Hanh and these individuals was due to "personal conflicts between them" were considered unsatisfactory by the Special Rapporteur.

414. The arrests and detentions of Mr. Nguyen Bac Truyen, Mr. Truong Minh Duc, Mr. Nguyen Trung Ton, Mr. Pham Van Troi and Mr. Nguyen Van Truc, as well as of Mr. Le Dinh Duong, allegedly in relation to their activities as human rights defenders and pro-democracy activists within the Brotherhood for Democracy group, is another extremely worrying development. The Special Rapporteur notes that the Government reply of 5 January 2018 indicates that their case is currently under investigation. He is dismayed by the serious nature of charges, which the human rights defenders face, and the assertion that they "illegally gathered people to disturb public order and made plans to overthrow the Government." The Special Rapporteur appeals to the Government of Viet Nam to take all necessary measures to guarantee that the human rights defenders are subject to fair proceedings before an independent and impartial tribunal.

415. Likewise, the Special Rapporteur is concerned with the apparent targeting of seven human rights defenders who began a 3-month residential training program on civil society development, human rights advocacy, and rule of law imparted by the Vietnamese Overseas Initiative for Conscience Empowerment (VOICE), an NGO, which has been abusively labelled as an "overseas reactionary organization" and denied official registration by Vietnamese authorities. On 26 December 2016, the trainees were arrested for failure to register the apartment with local authorities. They were interrogated in detention on suspicion of "gathering forces to overthrow the Government," had their personal belongings confiscated, and were later released only to be intercepted, attacked and beaten by unknown assailants en route to their residence.

416. The Special Rapporteur would like to recall the obligations of the Government of Viet Nam to ensure that human rights defenders are able to carry out their peaceful and legitimate work in a conducive environment, free from harassment, threats, violence and undue restrictions. When threats and violence do occur, the State has a duty to impartially investigate allegations brought forward by human rights defenders and ensure their protection. The Special Rapporteur would like to refer to Human Rights Council resolution 24/5 which "reminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections and including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights, and to take all necessary measures to ensure that any restrictions of the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law".

417. The Special Rapporteur finds it pertinent to conclude by referring to the newly adopted General Assembly resolution 72/247, which reaffirms the urgent need to respect, protect, facilitate and promote the work of those promoting and defending economic, social and cultural rights, as a vital factor contributing towards the realization of those rights, including as they relate to environmental, land and indigenous issues and business activity, as well as development, including through corporate accountability.

## EUROPE AND CENTRAL ASIA REGION

418. During the present reporting period, the Special Rapporteur sent 30 communications to 13 countries in the Europe and Central Asia region. He takes note of the response rate of 80% for the region. The Special Rapporteur commends the high response rate to the

communications sent during this reporting period and looks forward to the responses to the outstanding communications.

419. In many countries of the region, human right defenders face a varying degree of tensions, risks, threats and violations of their rights. The Special Rapporteur agrees with the observation made the Council of Europe's Commissioner of Human Rights Mr. Nils Muižnieks,[6] according to which in recent years there has been a marked deterioration of the working environment for human rights defenders in many European countries. A similar tendency can equally be observed in countries of Central Asia region.

420. This regrettable deterioration manifests itself by a number of measures. One of the most common and persistent patterns remains the adoption and implementation of legislation and administrative framework, which poses heavy limitations to the functioning of human rights defenders and civil society organizations. In recent years, NGOs in a number of countries of the region have had to accept and comply with cumbersome restrictions when it comes to their registration, license renewal and access to foreign funding. The Special Rapporteur remains concerned by the obvious proliferation of what is commonly known as the "foreign agent law". More and more independent civil society organizations are being subjected to investigations, monitoring and sanctioning by state authorities, hindering their activities in times when human rights protection efforts are needed more than ever.

421. The Special Rapporteur has observed a growing tendency to criminalize and deter the work of human rights defenders who try to protect and promote the rights of people on the move, legal and illegal migrants, including children. The irregular status of some people on the move may cause defenders working with them to be charged with "harbouring" irregular people or otherwise facilitating their irregular presence. Some defenders have even been accused of the international crime of trafficking as a result of their advocacy against illegal practices, such as "hot returns", and solidarity with people on the move.[7] The Special Rapporteur believes that such prosecutions have a chilling effect, making mainstream civil society organizations and private individuals more hesitant to engage with people on the move, who often find themselves isolated and in situations of distress. In addition, criminalization of defenders of people on the move reinforces the social stigma that people on the move and their allies face.

422. The Special Rapporteur remains highly alert about increased intimidation and smear campaigns directed at human rights defenders, especially those who protect the rights of the most vulnerable groups in society, advocate for gender equality, women's rights, raise their voice against domestic violence, promote sexual and reproductive rights, speak and act in defence of LGBTI persons, etc. Portraying them as "unpatriotic", "traitors" or "foreign agents" in public discourse not only diminishes the impact of their indispensable work but also exposes them to imminent and serious risks. Threats and physical attacks directed against human rights defenders, including women, persist especially in those countries where stigmatization and smear campaigns are particularly ardent.

423. The Special Rapporteur also feels the need to underline that journalists, including those who are reporting on human rights violations, are being subjected to increasing threats and violence, including physical attacks. Journalists who have been covering mass demonstrations in several countries over the course of the past year have been subject to attacks by security forces as well as arrests and detentions.

424. The Special Rapporteur also observes that concerns for national security and public order are in many instances misused by governments as arguments to justify targeting human rights defenders, limiting their rights and fundamental freedoms and endangering their safety.

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[6] Human rights in Europe: from crisis to renewal? Publication by the Commissioner of Human Rights of the Council of Europe Mr. Nils Muižnieks, 2017

[7] International Federation for Human Rights (FIDH), #Defending Maleno, press release, 4 December 2017

## Azerbaijan

425. JAL 11/05/2017 Case no: AZE 1/2017 State reply: none to date

**Allegations concerning the detention and conviction to two years of imprisonment of Mr. Mehman Huseynov on charges of defamation against the police after having allegedly been subjected to torture.**

426. JAL 06/11/2017 Case no: AZE 3/2017 State reply: 26/12/2017

**Allegations concerning disciplinary proceedings pending against Mr. Yalchin Imanov, reportedly in reprisal for his activities as human rights defender.**

427. JAL 08/11/2017 Case no: AZE 4/2017 State reply: 10/01/2018

**Allegations concerning the travel ban against Ms. Khadija Ismailova.**

428. JUA 29/11/2017 Case no: AZE 5/2017 State reply: none to date

**The decision of 14 November 2017 by the Administrative Economic Court to freeze the bank account of Khadija Ismayilova.**

429. Press release 05/12/2017

**Azerbaijan: UN experts urge Azerbaijan to end travel ban on award-winning investigative journalist Khadija Ismayilova.**

430. The Special Rapporteur thanks the Government for the responses provided to two of the four communications sent. Concerning the communication sent on 6 November 2017, he acknowledges the arguments put forward by the Bar Association, however he regrets that the Government has abstained in this instance from providing its own observations on the matter. The Special Rapporteur hopes to receive responses to the other communications promptly and urges the Government's full cooperation with the mandate.

431. From the reports received, the Special Rapporteur is preoccupied by what appears to be a crackdown on lawyers and academics in Azerbaijan along with attempts to stifle their free expression and critical verbalization. He notes that the freedom and independence of the legal and journalistic professions represent cornerstones of a democratic society, and that attempts to suppress their practice have a detrimental effect on human rights and civil society.

432. The Special Rapporteur wishes to express his serious concern over allegations regarding the torture and ill-treatment of journalist and human rights defender Mr. Mehman Huseynov who was reportedly arbitrarily detained on 9 January 2017 and held incommunicado for 22 hours, during which time he was allegedly subjected to suffocation, physical attacks and electric shocks. Police subsequently declined to accept his formal complaint regarding these allegations, despite the corroborating opinions on his subjection to torture given by the Georgian Center for Psychosocial and Medical Rehabilitation for Torture Victims. The Center conducted medical and psychological examinations on Mr. Huseynov, in accordance with the Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol). The Special Rapporteur wishes to draw to the attention of the Government articles 7, 9 and 19 of the ICCPR, which establish the absolute prohibition of torture and of arbitrary detention, as well as the right to freedom of opinion and expression. He further recalls the non-derogable prohibition of torture and other ill-treatment as codified in articles 2 and 16 of CAT, and notes article 12 of the CAT, which requires the competent authorities to undertake a prompt and impartial investigation wherever there are reasonable grounds to believe that torture has been committed.

433. The Special Rapporteur expresses further concern over authorities' use of criminal defamation provisions to allegedly target critical expression and promotion of human rights. Following Mr. Huseynov's complaints regarding his alleged torture, a criminal complaint from the chief police officer for Baku's Nasimi district was filed, accusing Mr. Huseynov of defamation. On 3 March 2017, he was found guilty by the Surakhansky District Court in Baku. The Special Rapporteur is consternated over the potential effects

that such criminal defamation prosecutions may have on journalistic freedom and independence in Azerbaijan. He urges the Government to take into consideration the Human Rights Committee's General Comment No. 34, which notes that criminal sanction for libel and defamation is not deemed proportionate with an effective exercise of the right to freedom of expression. The Special Rapporteur also wishes to draw special attention to the case of human rights lawyer Mr. Yalchin Imanov who has been subjected to disciplinary proceedings by the Azerbaijan Bar Association following a defamation complaint made by the acting chief of the Prison Service of the Ministry of Justice. The complaint related to media statements made by Mr. Imanov on the alleged torture and ill-treatment of two of his clients. In this regard the Special Rapporteur wishes to reprise principle 16 of the UN Basic Principles on the Role of Lawyers, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in 1990. These principles require governments to take all appropriate measures to ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference, and to prevent lawyers from being threatened with prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

434. The Special Rapporteur wishes to draw final attention to the travel ban against investigative journalist, Ms. Khadija Ismailova, along with the freezing of her bank account. On 25 May 2016, Ms. Ismailova was released following a decision by the Supreme Court to commute her seven and a half year sentence into a three and a half year suspended term. The Ministry of Justice nevertheless imposed travel restrictions on Ms. Ismailova for a period of five years. As a result, she has been unable to pursue various facets of her human rights work, including attending international human rights events. Furthermore, on 14 November 2017 a decision was taken by the Administrative Economic Court to freeze her bank account, which, together with the previously imposed travel ban, appears to be aimed at targeting her ability to continue her work as a journalist. The Special Rapporteur regards these measures as attempts to stifle her right to freedom of expression as they are apparently aimed at preventing Ms. Ismailova from travelling abroad to speak about human rights issues. He urges the authorities to lift the travel ban against her and unfreeze her account to ensure that her human rights activism is not being restricted under false pretenses.

## Belarus

435. JAL 13/04/2017 Case no: BLR 1/2017 State reply: 06/07/2017

**Allegations concerning the arrest and detention under administrative charges of Mr. Anatoly Poplavnyi, Mr. Aleh Volchek, Mr. Pavel Levinov, Mr. Eduard Balanchuk, another 58 human rights observers, as well as the warning issued under similar charges to Mr. Leonid Sudalenko, for their monitoring of and participation in peaceful protests in different cities of Belarus in the period of February – March 2017.**

436. JAL 12/09/2017 Case no: BLR 2/2017 State reply: 02/11/2017

**Allegations concerning possible immediate extradition of Mr. Chary Annamuradov, from Belarus to Turkmenistan, where he risks being subjected to ill-treatment and torture as a result of the exercise of his right to freedom of expression through his previous work as a journalist.**

437. Press release 28/03/2017

**Belarus: UN expert decries return of mass violence against peaceful protesters and demands release of all detained.**

438. The Special Rapporteur thanks the Government for its replies to both of the communications sent during the reporting period. He laments, however, that the responses failed to explain how the actions of the Government conformed to international human rights standards, especially those contained in the ICCPR, which Belarus ratified on 12 November 1973.

439. The Special Rapporteur takes note of the Government's response to the communication sent on 13 April 2017 which states that in the legislation of Belarus, the term "human rights defender" and the relevant legal status are not defined. However, he would like to emphasize that the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders applies to all those who protect human rights, rather than just a specific few who are legally designated as such. He further notes in the response that "no additional legal or institutional measures are taken in Belarus to ensure the safety of individuals engaged in defending human rights in a private capacity or as part of the activities of civil society organizations" and thus wishes to take the opportunity to recommend to the authorities of Belarus to consider adopting legislation or policy guidelines designed specifically to protect those who work legitimately and peacefully in the defence and promotion of human rights in Belarus and recognize their vital contribution.

440. The Special Rapporteur expresses his concern over alleged judicial harassment both directly and indirectly related to mass protests since February 2017 regarding Presidential Decree No. 3 "On prevention of social dependency". During March 2017, human rights defenders Mr. Anatoly Poplavnyi, Mr. Aleh Volchek, Mr. Pavel Levinov and Mr. Eduard Balanchuk received administrative detention sentences for taking part in peaceful demonstrations relating to the decree. In addition, on 25 March 2017, at least 58 human rights observers were detained at the offices of the Human Rights Centre Viasna, in relation to their planned participation in a peaceful demonstration scheduled to take place on the same day. In this regard, the Special Rapporteur wishes to recall articles 9, 19, 21 and 22 ICCPR which respectively enshrine the rights against arbitrary detention, to freedom of expression and opinion, to peaceful assembly and to freedom of association and urges the Government to cease the enforcement of restrictive laws pertaining to peaceful protests and demonstrations.

441. The Special Rapporteur also draws the Government's attention to the arrests of Mr. Ihar Komlik and Mr. Henadz Fiadynich for alleged tax evasion, along with the raids on their homes, the homes of their colleagues and on their places of work. Mr. Komlik and Mr. Fiadynich are Chief Accountant and Chairman respectively of the Belarusian Independent Trade Union of Radio and Electronic Industry Workers (REP), an organization which has criticized Presidential Decree No. 3, actively taken part in the peaceful marches, provided legal aid to individuals affected by the tax and gathered over 45,000 signatures against it. The Special Rapporteur expresses concern that the allegations against Mr. Komlik and Mr. Fiadynich are indicative of judicial harassment in retaliation to their legitimate activities in the defence of labour rights. In this context the Special Rapporteur notes Human Rights Council resolution 12/16, which calls on States to refrain from imposing restrictions which are not consistent with article 19(3) of the ICCPR including on: discussion of government policies and political debate; reporting on human rights, government activities and corruption in government; engaging in election campaigns, peaceful demonstrations or political activities, including for peace or democracy; and expression of opinion and dissent, religion or belief, including by persons belonging to minorities or vulnerable groups.

## Belgium

442. JAL 29/11/2017 Case no: *BEL2 2017* State reply: *none to date*

**Préoccupations exprimées au sujet l'arrestation et la détention de 99 individus, dont de nombreux militants défenseurs des droits de l'homme, entre autres le président de la Ligue des droits de l'homme belge francophone, Alexis Deswaef, lors de manifestations ayant eu lieu à Bruxelles le 2 avril 2016.**

443. Le Rapporteur spécial regrette qu'au moment de la rédaction du présent rapport, aucune réponse à sa communication n'a été reçue par les Procédures spéciales. Il rappelle que la réponse à ses communications fait partie intégrante des obligations de l'Etat et

constitue l'un élément essentiel de leur collaboration avec son mandat. Aussi demande-t-il aux autorités belges de bien vouloir répondre à sa communication dans les plus brefs délais.

444. Le Rapporteur spécial réitère ses inquiétudes soulevées dans la communication concernant les allégations de détention de manifestants lors de réunions pacifiques qui se seraient déroulées à Bruxelles en 2016. Le Rapporteur a bien conscience des difficultés rencontrées par la Belgique dans le cadre de la lutte contre les menaces terroristes. Néanmoins, il rappelle que les considérations sécuritaires ne devraient pas faire obstacle à la jouissance des droits de l'homme et des libertés fondamentales et que, seulement dans certaines conditions strictement établies par le PIDCP, les Etats peuvent déroger à obligations contenues dans cette Convention.

## France

445. JAL 08/05/2017 Case no: *FRA 3/2017* State reply: *15/05/2017*

**Préoccupations exprimées quant aux menaces alléguées formulées à l'encontre de M. Louis Joinet par l'autoproclamé «Comando Barneix».**

446. JAL 11/07/2017 Case no: *FRA 5/2017* State reply: *12/09/2017*

**Allégations concernant le harcèlement juridique et les pressions administratives dont fait l'objet M. Cédric Herrou, des mesures qui seraient liées à ses activités en faveur de la protection et de la promotion des droits des migrants en France.**

447. Press Release 9/27/2017

**France: Two UN rights experts urge France to bring its draft counter-terrorism law in compliance with its international human rights obligations.**

448. Le Rapporteur spécial remercie les autorités françaises pour ses réponses à ses communications envoyées au cours de la période couvrant le présent rapport. Il remercie le Gouvernement français pour sa collaboration et coopération avec son mandat.

449. En ce qui concerne la communication FRA 3/2017 envoyée le 8 mai 2017, il prend note des diverses mesures prises par la France pour assurer la sécurité de M. Joinet, pour enquêter sur les menaces qu'il a reçues ainsi que pour assurer une coopération efficace avec les autorités uruguayennes dans le cadre des enquêtes relatives aux menaces proférées à son encontre.

450. Le Rapporteur spécial prend note de la réponse des autorités concernant la communication FRA 5/2017, mettant en exergue le contexte migratoire exceptionnel auquel il fait face, ayant pour conséquence la mise en place d'un plan d'action pour « garantir le droit d'asile, mieux maitriser les flux migratoires » et par là même, lutter contre les filières d'immigration clandestines et les réseaux de passeurs. Il accueille positivement les mesures prises par les autorités françaises afin de garantir le caractère humanitaire des interventions engagées.

451. Le Rapporteur prend note des neuf procédures engagées contre M. Herrou, dont six pour des faits « d'aide à l'entrée et au séjour irréguliers d'étrangers en France » ainsi que deux concernant des infractions au droit sur la presse et enfin une procédure relative à des faits de fausse déclaration.

452. Le Rapporteur spécial considère que, comme indiqué par le Gouvernement, malgré le fait qu'à ce jour, M. Herrou n'ait été condamné qu'à une seule reprise, et que la procédure judiciaire semble présenter toutes les caractéristiques d'un procès équitable, il n'en demeure pas moins que l'accumulation des procédures judiciaires à son encontre peuvent constituer une forme de harcèlement judiciaire, entravant ses activités de défense des droits de l'homme en faveur des personnes migrantes. Il regrette notamment sa condamnation pour les chefs d'accusation de l'aide à l'entrée, à la circulation et au séjour irréguliers d'étrangers en France et d'installation en réunion sur le terrain d'autrui sans autorisation du légitime occupant.

453. Il remercie les autorités pour les précisions concernant la présence de l'avocat de M. Herrou lors de la garde à vue du 20 octobre 2016 ainsi que concernant les raisons ayant motivé l'étendue de sa garde à vue. En ce qui concerne l'appréhension, le 19 janvier 2017 par la Force sentinelle, ainsi que la perquisition au domicile de M. Herrou ce même jour, semblent être des mesures non nécessaires, disproportionnées et nullement justifiées par la situation.

454. Le Rapporteur spécial réitère ses inquiétudes quant aux diverses procédures judiciaires, arrestations, mais aussi quant aux mesures de surveillance et à la perquisition de son domicile dont il a été l'objet. Il semble que ces mesures soient liées aux activités qu'il mène en faveur des personnes migrantes. S'il a bien conscience du contexte particulier auquel la France doit faire face dans le cadre de la pression représentée par l'accroissement des flux migratoires, il rappelle que la France a l'obligation de garantir et respecter les droits de l'homme sur les territoires soumis à sa juridiction, ce qui implique le respect des droits de l'homme des migrants mais aussi des personnes œuvrant pour la protection de leurs droits.

455. Il souhaite insister sur la responsabilité principale et au devoir de l'Etat de protéger, promouvoir et rendre effectifs tous les droits de l'homme et toutes les libertés fondamentales, selon la Déclaration sur le droit et la responsabilité des individus, groupes et organes de la société de promouvoir et de protéger les droits de l'homme et les libertés fondamentales universellement reconnus du 8 mars 1999, et en particulier ses articles 1, 2 et 12.

456. Concernant les inquiétudes soulevées par le Rapporteur, conjointement avec la Rapporteuse spéciale des Nations Unies sur la protection des droits de l'homme dans le contexte de la lutte contre le terrorisme dans un communiqué de presse publié le 27 septembre 2017, le Rapporteur souhaiterait souligner certains points. Il regrette que, malgré ses inquiétudes communiquées au Gouvernement, le projet de loi ait été promulgué le 30 octobre 2017.

457. Il rappelle que ce texte contient un certain nombre de mesures, notamment des dispositions permettant aux autorités d'agir dans l'urgence, qui risquent de restreindre significativement l'exercice et la protection des droits de l'homme dans le pays. En particulier, il souhaite réitérer les inquiétudes précédemment soulevées sur les points suivants : définitions vagues du terrorisme et des menaces pour la sécurité nationale, extension des pratiques mises en place sous l'état d'urgence, accroissement des pouvoirs des préfets et réduction du contrôle judiciaire sur ceux-ci, modification de la législation en matière de surveillance, de de contrôle aux frontières et de conservation des données individuelles.

458. Ces mesures risquent d'entraver les activités menées par les défenseurs des droits de l'homme, en particulier, les mesures de surveillance et de contrôle sur les données privées. Il rappelle que toute mesure dérogeant ou limitant les obligations de l'Etat en matière de droits de l'homme doit répondre aux critères stricts énoncés par le droit international des droits de l'homme et notamment par l'article 4 du PIDCP relatif aux cas où un danger public exceptionnel menace l'existence de la nation. Il demande aux autorités françaises de reviser les dispositions problématiques afin de s'aligner sur les normes internationales des droits de l'homme et, notamment, sur le PIDCP.

## Hungary

459. JOL 09/05/2017 Case no: HUN 2/2017 State reply: none to date

**Allegations concerning the draft Bill T/14967 on the Transparency of Organizations Financed from Abroad ("the Bill").**

460. JUA 21/06/2017 Case no: HUN 3/2017 State reply: 21/08/2017

**Allegations concerning intimidation of staff members of Mental Disability Advocacy Center (MDAC), an international human rights non-governmental**

**organization based in Budapest, which is carrying out monitoring and advocacy work for the rights of persons with disabilities.**

461. Press release 05/15/2017

**Hungary: UN rights experts urge Hungary to withdraw Bill on foreign funding to NGOs.**

462. The Special Rapporteur wishes to thank the Government of Hungary for the response provided to his letter of 21 June 2017 in which he had expressed his concerns about allegations of impeding independent human rights organizations from monitoring the situation of those detained in institutions and hindering such organizations from exposing their findings, including investigation of alleged severe human rights violations which might amount to abuse and ill-treatment perpetrated against the inmates. The Special Rapporteur takes note of detailed explanations provided to some of the questions he had raised. He regrets, however, the Hungarian Government's rather vague answer as to measures taken by the Government to protect from retaliation any person or organization for having communicated to the independent monitoring organizations any information, whether true or false.

463. The Special Rapporteur remains concerned by the fact that intimidations and restrictions on the work of human right defenders take place in a context of increasing governmental pressure against NGOs. These measures contribute to a chilling effect on civil society as a whole, thereby reducing the public's access to information about Government activities and potentially reducing the Government's accountability.

464. In recent years, a number of legislative amendments have been adopted which constitute major restrictions to basic rights and fundamental freedoms. The Special Rapporteur reiterates his concerns about the application of the new Law on the Transparency of Organizations Financed from Abroad, which leads to undue restrictions on the rights to freedom of expression and freedom of peaceful assembly and association in Hungary. Under the provisions of the law, among other worrying provisions, NGOs that receive more than 24,000 EUR (7.2 million HUF) annually from a foreign source must register with the court as a "foreign-supported organization." While the Special Rapporteur sees the promotion of financial transparency in general as a legitimate end, he is nevertheless alarmed by the detrimental impact of this legislation on human rights organizations and individual human rights defenders which receive funding from foreign entities. The Special Rapporteur regrets that, despite his and other Rapporteurs' calls, the law was passed on 13 June 2017. He urges the Government of Hungary to consider repealing the Bill, or at least, reviewing the provisions of the new legislation.

## Kazakhstan

465. JAL 20/12/2016 Case no: *KAZ 4/2016* State reply: 27/02/2017

**Allegations concerning the investigation and harassment against the human rights non-governmental organization Kadyr Kassyet (NGO Dignity).**

466. JAL 23/01/2017 Case no: *KAZ 1/2017* State reply: 20/03/2017

**The permanent closure of the Confederation of Independent Trade Unions of Kazakhstan.**

467. JAL 16/06/2017 Case no: *KAZ 2/2017* State reply: 14/08/2017

**Alleged judicial harassment of human rights organizations, including the Liberty Foundation, the International Legal Initiative Foundation and the Public Association Kadyr Kassyet.**

468. Press release 06/12/2016

**Kazakhstan: "Kazakhstan should release rights defenders Bokayev and Ayan" – UN experts.**

469. The Special Rapporteur thanks the Government of Kazakhstan for responses to all of the communications sent during the present reporting period.

470. The Special Rapporteur is preoccupied by allegations of the judicial harassment and targeting of NGOs and other civil society organizations for their legitimate and peaceful work in the defence and promotion of human rights. He notes that the targeting of such organizations may produce chilling effects on civil society as a whole, producing detrimental results on the prevailing climate of human rights in the country.

471. The Special Rapporteur notes with concern current impediments faced by civil society organizations with regards to the receipt of funding, specifically, the enumerative and limited li of international and governmental organizations, foreign and Kazakh NGOs and foundations awarding grants and exempt from taxation, as approved by Government Decree No. 376 of 20 March 2009. In this regard, he draws to the Government's attention the proceedings against the Liberty Foundation, the International Legal Initiative Foundation and the Public Association Kadyr Kassyet, and the alleged judicial harassment, which they have suffered through the application of Kazakh tax codes for their receipt of grants destined towards aiding their human rights activities.

472. While the Special Rapporteur understands that restrictions on funding may stem from legitimate bases such as the prevention of fraud and embezzlement or for reasons of national security and public order, he reminds the Government that such limitations must be proportionate to the interest to be protected and must be the least intrusive means to achieve the desired objective. The Special Rapporteur further recalls Human Rights Council resolution 32/21 which urges States to maintain an "enabling environment in which civil society can operate free from hindrance" and Human Rights Council resolution 22/6 which calls upon States to ensure that "they do not discriminatorily impose restrictions on potent[ial] sources of funding aimed at supporting the work of human rights defenders in accordance with the Declaration (...), other than those ordinarily laid down for any other activity unrelated to human rights within the country to ensure transparency and accountability". The Special Rapporteur finally wishes to draw the attention of the Government to article 13 of the UN Declaration on Human Rights Defenders which states that "[e]veryone has the right, individually and in association with others, to solicit, receive and utilize resources for the express purpose of promoting and protecting human rights and fundamental freedoms through peaceful means".

473. The Special Rapporteur wishes to highlight alleged infringements on the right to freedom of association suffered by the Confederation of Independent Trade Unions of Kazakhstan, which was permanently closed due to its failure to meet membership base and affiliation requirements. While the Government in its response dated 20 March 2017 has shown that such closure was in conformity with national legislation, the Special Rapporteur urges the Government to ensure that it creates an enabling environment for human rights defenders by reducing any overly inhibitory and undue restrictions on the right to freedom of peaceful assembly and association.

## Kyrgyzstan

474. UAL 21/06/2017 Case no: *KGZ 1/2017* State reply: 12/09/2017

**Allegations concerning the judicial harassment of, travel ban imposed upon and prosecution directed against Ms. Cholpon Djakupova, a woman human rights defender, which appear to be closely linked with her active public engagement in human rights advocacy work.**

475. The Special Rapporteur thanks the Government of Kyrgyzstan for the response to his letter sent during the current reporting period. He notes the explanations provided by the Government regarding the prosecution directed against Ms. Cholpon Djakupova, a prominent woman human rights defender. The Special Rapporteur regretfully has to disagree with the Government's evaluation stating that in their actions against Mrs. Djakupova, "the General Prosecutor's Office and the court strictly complied with the requirements laid down by national legislation, while not violating international standards

establishing freedom of speech and expression". In this regard the Special Rapporteur wishes to underline that any limitation to the right to freedom of expression must meet the criteria established by international human rights standards, such as articles 4 and 19 (3) of the ICCPR and 29 (2) of the Universal Declaration on Human Rights. Under these standards, limitations must be determined by law, must conform to the strict test of necessity and proportionality, must be applied only for those purposes for which they were prescribed and must be directly related to the specific need on which they are predicated.

476. The Special Rapporteur wishes to highlight the important role played by human rights defenders in the promotion and defence of human rights and fundamental freedoms, often involving scrutiny and criticism of the actions of public authorities that are necessary in a pluralistic, democratic and open society. He urges the Government of Kyrgyzstan to refrain from the detrimental practice of criminalization of freedom of expression aimed at silencing critical voices in the society.

## Malta

477. JUA 18/10/2017 Case no: MLT 2/2017 State reply: 20/10/2017

**The assassination of Maltese journalist Daphne Caruana Galizia.**

478. Press release 19/10/2017

**Malta: Malta must bring killers of Daphne Caruana Galizia to justice and protect journalists – UN experts.**

479. The Special Rapporteur condemns in the strongest possible terms the assassination of prominent female journalist and human rights defender Ms. Caruana Galizia on 16 October 2017.

480. The Special Rapporteur is deeply alarmed by the fact that her assassination took place in the context of her high profile work as an investigative reporter. Ms. Caruana Galizia was one of the most prominent investigative journalists in Malta. She was an outspoken critic of tax abuse and all forms of corruption, both within Malta and abroad. She reported intensively based on her own findings and the collection known as the Panama Papers. Before her murder, she had testified before the Committee of Inquiry on money laundering and tax evasion established by the European Parliament after the Panama Papers.

481. The Special Rapporteur follows closely ongoing judicial proceedings and investigations into this horrendous crime. He calls upon the Maltese Government to ensure that the killing is properly investigated and that penal, disciplinary or administrative sanctions are imposed on any alleged perpetrators. He equally urges the Government to take all possible steps to protect, empower and support human rights defenders and journalists working to uncover corruption allegations and spread light on issues of the highest public interest.

## Russian Federation

482. JAL 29/03/2017 Case no: RUS 3/2017 State reply: 05/06/2017

**Allegations concerning the sentencing of the non-governmental organization and think-tank the SOVA Centre for Information and Analysis to a fine for the alleged violation of the Law on Introducing Amendments to Legislative Acts of the Russian Federation in Part Regulating Activities of Non-commercial Organizations which Carry Functions of Foreign Agents.**

483. JUA 31/08/2017 Case no: RUS 5/2017 State reply: 02/10/2017

**Allegations concerning the ill-treatment and alleged imminent deportation of Uzbek national, Mr. Khudoberdi Turgunalievich Nurmatov (also known by his pseudonym Ali Feruz) from the Russian Federation to Uzbekistan.**

484. JUA 29/09/2017 Case no: RUS 7/2017 State reply: 11/10/2017

**Allegations concerning alleged administrative court proceedings against Ms. Evdokia Romanova for "promotion of non-traditional sexual relations to minors through social networks and Internet".**

485. JAL 17/10/2017 Case no: RUS 8/2017 State reply: none to date

**Allegations concerning the arrest and conviction of Mr. Oleg Sentsov, a Ukrainian film director and political activist.**

486. Press release 3/29/2017

**Russian Federation: "Immediately release detained peaceful protesters".**

487. The Special Rapporteur thanks the Government for the responses received to three of the four communications sent during the present reporting period and requests the Government of the Russian Federation to reply also to the communication sent on 11 October 2017. The Special Rapporteur regrets that the replies to his letters of 31 August 2017 and 29 September 2017 do not provide any substantive information regarding the allegations contained in them. On both instances, the Government of the Russian Federation stated that it does not intend to respond to individual or joint submissions from the special procedures of the Human Rights Council when the author or co-author is the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity.

488. In the absence of a substantive reply received from the Russian Government, the Special Rapporteur reiterates his concerns regarding the ill-treatment and alleged imminent deportation of Uzbek national, Mr. Khudoberdi Turgunalievich Nurmatov (Ali Feruz) to Uzbekistan as well as the alleged administrative court proceedings against Ms. Evdokia Romanova for "promotion of non-traditional sexual relations to minors through social networks and Internet".

489. The Special Rapporteur continues to remain concerned by the risks and challenges to which human rights defenders operating in the Russian Federation are subjected on a frequent basis. He confirms his repeated concerns at the application of the Law on Introducing Amendments to Legislative Acts of the Russian Federation in Part Regulating Activities of Non-commercial Organizations which Carry Functions of Foreign Agents, with the apparent aim of criminalizing or obstructing the work of human rights defenders and civil society actors.

490. On 21 February 2017, one of the prominent human rights organizations in Russia, the SOVA Centre for Information and Analysis, was sentenced to a fine of 300,000 Russian roubles (approx. 5,250 USD) on a charge of neglecting to register as a "foreign agent" with the Ministry of Justice. In its reply dated 5 June 2017, the Russian Government stated that inclusion in the register of non-commercial organizations carrying out the functions of foreign agents does not prevent a non-commercial organization from receiving financial and other resources from foreign sources or create obstacles to their work; the main purpose of this measure being to ensure greater transparency in the activities of non-commercial organizations.

491. While the Special Rapporteur fully acknowledges the importance and need of ensuring financial transparency in the activities of civil society institutions, he finds it difficult to agree with the assumption that the application of this legislation does not create obstacles to the work of human rights organizations, one of the most worrying consequences of the application of this legislation being the stigmatization and eventual silencing of human rights defenders and organizations who express critical views. In recent years, nearly 90 NGOs have reportedly been included on the list of "foreign agents" in Russia, of which almost a third have closed down. The list includes organizations working on a variety of essential human rights issues including discrimination, the protection of women's rights, criminal justice and prison system reform, LGBTI rights and also environmental issues.

492. In March 2017, the Special Rapporteur, jointly with other UN independent experts, raised concern over the arrest of peaceful demonstrators, including human rights defenders

and journalists who took to the streets in many cities following allegations of corruption against the Prime Minister of the Russian Federation. In this respect the Special Rapporteur wishes to remind the Russian authorities that freedom of peaceful assembly is a right, not a privilege, which jointly with the rights to freedom of opinion and expression and freedom of association, plays a decisive role in the emergence and existence of effective democratic systems, where dialogue, pluralism and tolerance are present and promoted. He also wishes to refer to Human Rights Council resolution 25/38 in which it is stated that "peaceful protests should not be viewed as a threat", and that all States are encouraged to "engage in an open, inclusive and meaningful dialogue when dealing with such protests and their causes".

## Spain

493. JAL 12/10/2017 Case no: ESP 1/2017 State reply: none to date

**Alegaciones de diversos actos de intimidación, difamación y amenazas de muerte en contra de la Sra. Helena Maleno Garzón, aparentemente relacionados con su condición de mujer y con sus actividades como defensora de los derechos humanos de las personas migrantes y de los refugiados, así como alegaciones sobre el impedimento a la entrada y el uso de la fuerza en contra de cerca de 200 inmigrantes y posibles refugiados subsaharianos en la frontera de Ceuta.**

494. El Relator Especial lamenta no haber recibido hasta la fecha de elaboración del presente reporte ninguna respuesta por parte del Gobierno español a la comunicación identificada bajo el rubro ESP 1/2017, y queda a la espera de recibirla a la brevedad posible.

495. El Relator Especial expresa su preocupación por el caso de la Sra. Maleno Garzón. Aunque a la fecha no se ha recibido información nueva sobre intimidaciones y amenazas en su contra, la falta de respuesta de parte del Gobierno a la comunicación ESP 1/2017 sugiere que la denuncia presentada en agosto de 2017 por la Sra. Maleno Garzón no ha redundado ni en sanciones para quienes la han amenazado, ni en medidas de protección a su favor. El Relator Especial conmina al Gobierno a adoptar las medidas necesarias para asegurar la seguridad de la Sra. Maleno Garzón y el respeto por su labor en favor de los derechos de las personas migrantes y de los refugiados.

496. El Relator Especial subraya asimismo la importancia de que de que exista en España un debate abierto sobre los posibles abusos y el racismo institucional existente en la gestión de las problemáticas migratorias por parte del Estado, y la necesidad de que las autoridades adopten todas las medidas que se requieran para asegurar que quienes expresen sus opiniones en este contexto puedan hacerlo en total libertad y seguridad.

## Turkey

497. JAL 23/01/2017 Case no: TUR 1/2017 State reply: 11/04/2017

**Allegations concerning the suspension of Mr. Osman İşçi, an academic researcher and human rights defender, from his research position at Agri Ibrahim Cecen University, through the use of emergency decrees, a reported act of reprisal for his cooperation with the Special Rapporteur on the promotion of the right to freedom of opinion and expression during his official country visit to Turkey from 14 to 18 November 2016.**

498. JAL 23/06/2017 Case no: TUR 8/2017 State reply: 22/08/2017

**The alleged arbitrary detention and conviction of Dr. Serdar Küni for actions that pertain to his duty as a doctor to provide equal and appropriate medical treatment to everyone.**

499. JUA 04/07/2017 Case no: TUR 7/2017 State reply: 16/08/2017, 03/10/2017

**Allegations concerning the arrest and detention of Mr. Taner Kiliç, Chair of Amnesty International Turkey.**

500. JUA 12/07/2017 Case no: TUR 9/2016 State reply: 21/08/2017, 25/09/2017, 26/09/2017, 02/11/2017

**The arrest, incommunicado detention and investigations linked to terrorism conducted against human rights defenders Nalan Erkem, Seyhmuz Ozbekli, Ozlem Dalkiran, Idil Eser, Veli Acu, Gunal Kursun, Ilknur Ustun and Nejat Tastan, as well as the consultants Ali Gharawi and Peter Steudtner.**

501. JUA 26/10/2017 Case no: TUR 11/2017 State reply: 26/12/2017

**The arrest and detention under accusations of membership of a terrorist organization of Didem Baydar, Şükriye Erden, Ayşegül Çağatay, Ebru Timtik, Aytaç Ünsal, Zehra Özdemir, Yağmur Ereren, Engin Gökoğlu, Süleyman Gökten, Aycan Çiçek, Naciye Demir, Behiç Aşçı, Barkın Timtik and Özgür Yılmaz, human rights lawyers working for the non-governmental organization People's Law Office.**

502. JUA 02/11/2017 Case no: TUR 12/2017 State reply: 15/12/2017

**The arrest and detention of Mr. Osman Kavala under charges, which may be related to his activism in favour of dialogue between the Turkish Government and minorities within the country, as well as with neighbouring countries, such as Armenia and Greece.**

503. Press release 14/07/2017

**Turkey: UN experts seek release of all rights defenders as clampdown worsens.**

504. Press release 13/11/2017

**Turkey: UN experts call for dropping of terror charges against leading human rights defenders.**

505. Press release 17/01/2018

**Turkey: UN human rights experts urge Turkey not to extend state of emergency.**

506. The Special Rapporteur thanks the Government for responses to all six communications sent during the reporting period and appreciates its continued engagement with the mandate. He remains, however, preoccupied by the escalation of investigations and arrests targeted at human rights defenders on the apparent basis of security concerns.

507. Ever since the attempted coup d'état on 15 July 2016 and the imposition of the state of emergency on 21 July 2016, the Special Rapporteur has witnessed with alarm the arrest, detention and prosecution of people voicing criticism of the Government and working to protect human rights. The persistent climate of fear and judicial harassment seems to have pushed many human rights NGOs into self-censorship in their activities. Turkish authorities have regularly cited security considerations, in particular the fight against terrorism and the need to avoid another attempted coup, to justify targeting dissent and criticism. The Special Rapporteur expresses his worries over the deleterious consequences that this is having with regard to the rights to freedom of expression, assembly and association. He reminds the Government that these rights should be restricted only when strictly necessary in a democratic society and when proportionate to the interest being protected. In addition, the tests of necessity and proportionality are not to be suspended during a period of derogation linked with a state of emergency.

508. While the Special Rapporteur understands the serious and real threats posed by terrorism and extremist groups in Turkey, it is important to underscore that security concerns, however legitimate, must not be used as a tool for the suppression of human rights. The Special Rapporteur recognizes that States have an obligation, and indeed a duty, to combat terrorism, but recalls that any measures used to do so must conform with all of their obligations under international law, in particular international human rights law, refugee law, and humanitarian law. In this regard, he would like to draw specific attention to Human Rights Council resolution 12/16, which calls upon States to refrain from using

counter-terrorism as a pretext to restrict the right to freedom of opinion and expression in ways that are contrary to their obligations under international law. While the Government has stressed that that the investigations being carried out against human rights defenders mentioned in the communications sent are unconnected to their legitimate human rights work, the systematic targeting of lawyers, academics, journalists and activists on terrorism-based offences evinces a larger trend of stigmatization towards those who promote human rights.

509. The Special Rapporteur expresses concern over the lack of evidentiary bases used in the arrest and prosecution of human rights defenders, many of whom were not provided with evidence against them and/or were unaware of investigations against them. Many accusations are based solely on actions such as downloading data protection software, publishing opinions disagreeing with the Government's anti-terrorism policies, organizing demonstrations, or providing legal representation for other activists. On 6 June 2017, Mr. Taner Kiliç, Chair of Amnesty International Turkey, was arrested on the basis of a warrant against him and 22 other lawyers in the city of Izmir in Western Turkey for suspected ties with the Fethullah Gülen movement.

510. On 9 June 2017, Mr. Kiliç was brought before a prosecutor and charged with membership of an armed terrorist organization. Ostensibly, the only evidence introduced against him was the presence of the "ByLock" application on his mobile phone, an application used for secure, encrypted communication. Communication through this application has been associated with the Fethullah Gülen movement, despite its user base of over 200,000 people. Indeed, Supreme Court decisions have stated that simply being a user of "ByLock" is considered as a strong and concrete suspicion in determining the membership of a terrorist organization. The mandate holder further laments that despite responding to the questions raised in the communication sent on the matter, the Government has not sufficiently explained why Mr. Kiliç's use of the application meets the requirements of necessity and proportionality for his arrest and prosecution.

511. The Special Rapporteur expresses further concern over the arrest and prosecution of the human rights defenders popularly known as the "Istanbul 10" who were arrested by security forces while participating in a workshop organized by the Helsinki Citizen's Assembly. The human rights defenders were held in incommunicado detention for 24 hours on the basis of state security interests. During detention, the human rights defenders were reportedly subjected to ill-treatment and Mr. Ali Gharawi was allegedly denied access to required medication for two days. While the Government has refuted such allegations, the Special Rapporteur remains preoccupied by the conflicting information received by the mandate. In addition, regarding due process and evidentiary standards, it is apparent that the investigation against the "Istanbul 10", along with the documents therein obtained, remained secret, thus precluding the human rights defenders from preparing an adequate defence to the allegations against them.

512. The Special Rapporteur notes that the scale of detentions and dismissals gives rise to serious concerns pertaining to the standards of due process, which are non-derogable under a state of emergency. The Special Rapporteur further notes that in the absence of public and clear evidence against the accused it is difficult to ascertain whether the arrest and prosecution of the "Istanbul 10" meets the required standards of necessity and proportionality.

513. The Special Rapporteur draws final attention to the suspension of Mr. Osman Işçi, an academic researcher and human rights defender, from his research position at Agri Ibrahim Cecen University, in Ankara, due to an investigation over his alleged links to a terrorist organization. He especially notes the proximity of Mr. Işçi's suspension and administrative investigation to his participation in a civil society meeting with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and expresses his concern over what may be construed as a reprisal for his cooperation with the human rights mechanisms of the United Nations. In this regard the Special Rapporteur recalls Human Rights Council resolutions 12/2 and 24/24 which, inter alia, condemn all acts of intimidation or reprisal against individuals and groups who seek to cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights.

## Turkmenistan

514. JAL 01/05/2017 Case no: *TKM 1/2017* State reply: *25/05/2017*

**The alleged arbitrary detention, torture, judicial harassment and sentencing of Mr. Gaspar Matalaev.**

515. JAL 15/11/2017 Case no: *TKM 2/2017* State reply: *05/01/2018*[*]

**Allegations of an attack on the home of Ms. Khalida Izbastinova, the mother of human rights defender Mr. Farid Tukhbatullin.**

516. The Special Rapporteur thanks the Government for its replies to both of the communications sent during the reporting period.

517. The Special Rapporteur expresses serious concern over the allegations of arbitrary detention, torture and judicial harassment of human rights defender Mr. Gaspar Matalaev. On 4 October 2016, at midnight, four police officers in plain clothes came to Mr. Matalaev's home, arrested him without presenting a warrant and confiscated his mobile phone, as well as the mobile phone of a family member. While the response of the Government attests that his arrest was based on allegations of fraud, Mr. Matalaev was interrogated during detention on his activities monitoring forced labour during the cotton harvest. It is alleged that during his interrogation he was subjected to torture, including electric shocks, and eventually confessed to false charges of fraud.

518. On 9 November 2016, the Turkmenabat City Court found Mr. Matalaev guilty of fraud and sentenced him to three years in an ordinary regime labour camp. The Special Rapporteur wishes to draw the Government's attention to the absolute and non-derogable prohibition of torture and other ill-treatment as codified in article 7 of the ICCPR and article 2 of CAT, which Turkmenistan acceded to on 25 June 1999. He also recalls article 15 of CAT, which precludes the use of statements obtained through torture as evidence in any proceedings. While the Government's response to the communication on Mr. Matalaev states that his reports of torture are unsubstantiated, it includes no information on any investigations conducted to examine the veracity of his claims. In this regard, the Special Rapporteur notes articles 12 and 7 of the CAT, which require the investigation of torture allegations and the punishment of perpetrators.

519. The Special Rapporteur further expresses concern over Mr. Matalaev's alleged lack of access to adequate independent legal counsel. According to information received, Mr. Matalaev was first represented by a state-appointed lawyer, who was given adequate access to her client; however, at the initiative of Mr. Matalaev's family, the state-assigned lawyer was replaced by another lawyer who was subsequently refused full access to his client, reportedly due to the fact that he was "independent". The lawyer was only able to meet Mr. Matalaev twice during the entire court process and no written verdict of the trial was provided to Mr. Matalaev's lawyer or family. The Special Rapporteur wishes to remind the Government of its obligations under articles 9 and 14 of the ICCPR, which respectively guarantee the right not to be deprived arbitrarily of one's liberty and the right to fair proceedings before an independent and impartial tribunal.

520. The Special Rapporteur wishes to note finally the attack on the home of Ms. Khalida Izbastinova, the mother of human rights defender Mr. Farid Tukhbatullin, wherein stones were thrown at her house and several window panes were broken. He expresses his preoccupation over the safety of Mr. Tukhbatullin's family members and cannot exclude the possibility that such attack was conducted in retaliation for his peaceful and legitimate human rights work. The attack takes place in the context of a broader pattern of intimidation and harassment against the human rights defender, including online threats and a denial of service attack on the Turkmen Initiative for Human Rights website which he administers. In this regard the Special Rapporteur reminds the Government of its obligations under article 17 of the ICCPR, which provides that no one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to

[*] At the time of publishing no translation for this response was available

unlawful attacks on his honour and reputation and that everyone has the right to the protection of the law against such interference or attacks.

### Uzbekistan

521. JAL 05/04/2017 Case no: *UZB 1/2017* State reply: *28/04/2017*

**The alleged arbitrary arrest and detention in a psychiatric institution of human rights defender Ms. Elena Urlaeva, as well as the verbal attacks to which she has been subjected while in police custody.**

522. The Special Rapporteur acknowledges the receipt of Government's response to the communication sent on 5 April 2017. He reiterates his concern over allegations regarding the arbitrary detention of woman human rights defender Ms. Elena Urlaeva in a psychiatric institution on 1 March 2017 and is preoccupied by the proximity of her detention to the scheduled meetings which she was due to attend on 2 March 2017 with the International Labour Organization and the World Bank. While the Special Rapporteur acknowledges the arguments advanced by the Government regarding Ms. Urlaeva's institutionalization, he wishes to emphasize that the compulsory deprivation of liberty is an extreme measure to be used in only the most severe of instances and must conform to the human rights standards of necessity and proportionality in the circumstances. In this context the Special Rapporteur recalls article 9(1) ICCPR, which states that "(e)veryone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law". The Special Rapporteur expresses his concern that the alleged arbitrary detention of Ms. Urlaeva may have been used to stymie her legitimate work in the defence of human rights and her engagement with international organizations.

523. The Special Rapporteur wishes to make particular reference to newly adopted General Assembly resolution 72/247, which expresses particular concern about systemic and structural discrimination and violence faced by women human rights defenders, and reiterates its strong call upon States to take appropriate, robust and practical steps to protect women human rights defenders and to integrate a gender perspective into their efforts to create a safe and enabling environment for the defence of human rights, as called for by the General Assembly in its resolution 68/18.

## MIDDLE EAST AND NORTH AFRICA REGION

524. During the present reporting period, the Special Rapporteur sent 40 communications to 12 countries in the Middle East and North Africa region. He takes note of the response rate of 65% for the region, which marks an increase from 44% in last year's reporting period. The Special Rapporteur expresses his gratitude for the greatly improved response rate during the reporting period and encourages the Governments in the region to further engage with the mandate by responding to all communications sent.

525. A highly alarming number of communications sent contain allegations of the use of torture and other cruel, inhuman or degrading treatment against detained human rights defenders, along with the death of one detainee while in custody. Ill-treatment and torture of human rights defenders seems to be a widespread problem across the regional spectrum despite myriad international human rights conventions decrying the practice. Further, the replies of Governments in the region often display flippancy with regards to such allegations. Whereas communications sent to Governments contain concrete allegations supported by factual circumstances and verifiable testimony, often responses received state simply that allegations are unfounded, without offering tangible proof to the contrary, and rarely make reference to any attempt made to investigate or prosecute potential abuses. Risk of abuse is further compounded by the use of incommunicado detention, secret detention areas and impediments to access to legal counsel. Such clandestine detention offers wide discretion for the mistreatment of detainees and makes allegations of torture difficult to verify. The Special Rapporteur urges Governments in the region to cease all

forms of torture and ill-treatment of human rights defenders and further encourages Governments to enact legislation to improve the transparency of detention conditions.

526. The ongoing tendency of criminalization of human rights defenders in many countries of the region further presents cause for distress, especially with regards to the use of counter-terrorism and state security legislation to prosecute defenders for their legitimate and peaceful work in the promotion and protection of human rights. While the threat of terrorism presents serious problems in the region, it must not be used as a pretext to judicially harass or prosecute human rights defenders for their activities. Often state security and counter-terrorism legislation is enacted in vague and opaque terms, leaving authorities a wide margin of manoeuvre in its application, and results in spurious prosecutions for "offences" ostensibly unconnected with the original aims of the law. Vague and opaque formulations leave space for a wide range of fair trial abuses with evidence and trials often being kept secret under the facade of protecting state security. The Special Rapporteur stresses that the use of counter-terrorism and state security legislation against human rights defenders conflates them with "threats to national security", whereas they should be respected for the extremely valuable role which they play in the creation and maintenance of a free and open society and in the promotion and protection of human rights. Furthermore, the use of such legislation contributes to the creation of a hostile environment for human rights defenders and denigrates them in the eyes of the public despite, obligations incumbent upon states to create a safe and enabling environment for them in which to carry out their work.

527. The Special Rapporteur takes particular notice of the upsurge in cases of reprisals against human rights defenders for their cooperation with the United Nations and its human rights mechanisms. He wishes to remind states of the extremely valuable role that human rights defenders play with regards to the exposition of human rights abuses. Human rights defenders, relatives of victims of human rights violations, legal representatives and NGOs regularly inform the mandate of the risks they may face for the mere fact of having met with the Special Rapporteur or having engaged in communication with him. Reprisals undermine the very principles the United Nations is founded on, violate states' human rights obligations and erode trust in the system. The Special Rapporteur wishes to underline the newly adopted United Nations General Assembly resolution 72/247 which condemns all acts of intimidation and reprisal by State and non-State actors against human rights defenders who seek to cooperate, are cooperating or have cooperated with subregional, regional and international bodies, including the United Nations and strongly calls upon all States to give effect to the right of everyone, individually and in association with others, to unhindered access to and communication with international bodies, including the United Nations, its special procedures, the UPR mechanism and the treaty bodies, as well as regional human rights mechanisms.

528. The Special Rapporteur wishes to take final note of the role of women human rights defenders who suffer doubly in the region from stigmatization for their status as human rights defenders and from stigmatization due to their gender. Reports of gender specific threats or the use of "male guardianship" laws as a means of detention remain serious grounds for concern and leave women human rights defenders particularly vulnerable. The Special Rapporteur in this vein highlights General Assembly resolution 68/181 as well as Human Rights Council resolution 31/32, in which States expressed particular concern about systemic and structural discrimination and violence faced by women human rights defenders. States should take all necessary measures to ensure the protection of women human rights defenders and to integrate a gender perspective into their efforts to create a safe and enabling environment for the defence of human rights.

## Algeria

529. JAL 16/12/2016 Case no: DZA 4/2016 State reply: 10/02/2017

**Allégations concernant la condamnation et l'emprisonnement de M. Hassan Bouras, Président du Bureau de la Ligue Algérienne pour la Défense des Droits de l'Homme.**

530. JUA 21/12/2016 Case no: DZA 5/2016 State reply: 02/02/2017

**La mort en prison de M. Mohamed Tamalt, défenseur des droits de l'homme, journaliste et blogueur ainsi que des allégations concernant son arrestation, sa condamnation et sa détention liées à l'exercice de son droit à la liberté de l'expression.**

531. JUA 31/01/2017 Case no: DZA 01/2017 State reply: 03/03/2017

**Allégation concernant la détention arbitraire, la torture et les conditions de détention de M. Kamal Eddine Fekhar, défenseur des droits de l'homme.**

532. JAL 31/03/2017 Case no: DZA 2/2017 State reply: 30/05/2017

**Allégations concernant l'arrestation et la détention arbitraire du défenseur des droits de l'homme M. Rafik Belamrania en représailles pour ses activités légitimes et pacifiques en faveur de la défense des droits de l'homme.**

533. Le Rapporteur spécial remercie le Gouvernement algérien pour avoir répondue aux quatre lettres envoyées pendant la période couverte par ce rapport. Il prend note des explications fournies concernant M. Mohamed Tamalt, M. Kamal Eddine Fekhar, M. Hassan Bouras, M. Rafik Belamrania. Le Gouvernement a fourni des informations sur les procédures ayant mené aux différentes condamnations des défenseurs des droits de l'homme en Algérie. Ayant pris note de ces explications, le Rapporteur spécial demeure profondément inquiet par le fait que les autorités algériennes continuent de dénigrer les défenseurs de droit de l'homme en estimant que leur action s'apparente à une « apologie du terrorisme » et a pour objectif de s'attaquer aux pouvoirs publics par la diffamation.

534. Le Rapporteur spécial demeure vivement préoccupé par la situation des défenseurs des droits de l'homme et des journalistes indépendants en Algérie qui subissent des arrestations, des détentions arbitraires et des condamnations pénales. Ce harcèlement judiciaire, en toute vraisemblance, est étroitement lié à leurs activités légitimes et pacifiques en faveur de la défense des droits de l'homme et peut être considéré comme une criminalisation de leur droit à la liberté d'expression.

535. Le 29 juillet 2015, M. Fekhar a été arrêté avec 24 autres personnes pour avoir créé une organisation « nuisible ». Il a été condamné pour « atteinte à la sûreté de l'Etat » et « incitation à la haine raciale » et a été libéré après deux ans en prison : le 16 juillet 2017. Le 28 novembre 2016, M. Bouras avait été condamné à un an de prison ferme pour « complicité d'outrage à corps constitué » et « exercice de la profession de journaliste sans autorisation ». Le 22 février 2017, M. Balamrania avait été placé en détention pour « apologie du terrorisme sur Facebook » et « fausses accusations » contre le Gouvernement après avoir diffusé une décision prise par l Comité des droits de l'homme des Nations Unies, concernant son père. Le Rapporteur spécial a appris avec regret qu'en novembre 2017, M. Belamrania a été condamné à cinq ans de prison et à une amende.

536. Les conditions de détention des défenseurs arrêtés font aussi sujet de graves préoccupations. En janvier 2017, M. Fekhar, le fondateur de Tifawt, une fondation engagée dans la protection et la promotion des droits du peuple berbère en Algérie, aurait entamé une cinquième grève de faim visant à protester contre sa détention depuis 2015. M. Fekhar affirme avoir été maltraité et torturé lors de ses précédentes grèves de la faim.

537. Le Rapporteur spécial continue à exhorter les pouvoirs algériens de s'abstenir de la pratique dangereuse consistant à pénaliser la liberté de parole, sous toutes ses formes, y compris quand elle est exercée sur les plateformes de médias sociaux. Cette pratique impose des restrictions injustifiées à l'exercice légitime du droit à la liberté d'expression, tel que défini par l'article 19 du PIDCP, ratifié par l'Algérie le 10 décembre 1968.

## Bahrain

538. JLA 12/12/2016 Case no: BHR 8/2016 State reply: 27/01/2017

**Allegations of continuous detention and judicial proceedings against a woman human rights defender, Ms. Ghada Jamsheer, which appear to be related to her**

**legitimate human rights activities and represent criminalization of the exercise of her right to freedom of expression, including on the Internet.**

539. JUA 17/02/2017 Case no: BHR 2/2017 State reply: 19/04/2017

**Allegations of torture, ill-treatment, arbitrary arrest and detention of six human rights defenders, including two minors, in response to their participation in protests.**

540. JUA 27/03/2017 Case no: BHR 4/2017 State reply: 24/04/2017

**Allegations of torture, ill-treatment, arbitrary arrest and detention of three individuals aimed to intimidate and impair the human rights activities of Mr. Sayed Ahmed Mustafa Mohamed al-Wadaei.**

541. JAL 22/05/2017 Case no: BHR 5/2017 State reply: 20/07/2017

**Allegations of extensive and severe infringements on the right to life, the prohibition against torture and ill-treatment, the rights to freedom of religion or belief, freedom of expression, freedom of peaceful assembly and freedom of association in Bahrain.**

542. JUA 31/10/2017 Case no: BHR 6/2017 State reply: 07/07/2017

**Alleged killing of at least five individuals, including one human rights defender, injuries sustained by dozens of protestors and the arbitrary detention of at least 286 individuals, in the context of protests organized in the city of Duraz, Bahrain.**

543. JUA 04/07/2017 Case no: BHR 8/2017 State reply: 02/08/2017

**Allegations of torture and other cruel, inhuman and degrading treatment inflicted on Ms. Ebtesam Abdullhusain Ali Alsaegh, by agents of the National Security Agency of Bahrain.**

544. JUA 13/07/2017 Case no: BHR 9/2017 State reply: 08/08/2017

**Alleged arbitrary arrest and detention of a human rights defender, Ms. Ebtesam Abdullhusain Ali Alsaegh, in the Isa Town women's prison by agents of the National Security Agency.**

545. JUA 31/10/2017 Case no: BHR 11/2017 State reply: 30/11/2017

**Concerning allegations of torture and other ill-treatment of Mr. Ibrahim Jawad 'Abd Ullah Sarhan, a Bahraini lawyer, as well as threats of prosecution against him for charges related to the expression of a legal opinion denouncing human rights violations.**

546. Press release 16/06/2017

**Bahrain: Bahrain must end worsening human rights clampdown, UN experts say.**

547. Press Release 18/07/2017

**Bahrain: UN experts urge Bahrain to investigate reports of torture and ill treatment of rights defender Ebtisam Alsaeg**.

548. The Special Rapporteur thanks the Government for providing replies to all communication letters sent during the reporting period. The Rapporteur takes note of details provided regarding the charges against the accused human rights defenders, their physical condition, and existing measures aimed at ensuring they have adequate access to healthcare while in detention.

549. The Special Rapporteur remains seriously concerned regarding the wider context of a general crackdown and mounting pressure exerted on human rights defenders in Bahrain, including their ongoing prosecution, punishment, intimidation, and harassment. Bahraini authorities seem to have resorted to drastic measures to curb dissenting opinions, including reprisals directed against defenders for cooperating with the United Nations, and in particular the Human Rights Council and the OHCHR. Travel bans have allegedly been

imposed on a number of human rights defenders, hindering their cooperation with the United Nations and their human rights work on international scale. It is further alleged that numerous individuals, including human rights defenders, have been convicted for taking part in peaceful protests, and security forces are reported to regularly use excessive force to disperse protesters, leading to deaths and serious injuries.

550. The allegations received in the current reporting period seem to continue the pattern of a systematic crackdown on dissent, civil society institutions and human rights defenders in Bahrain, which the Special Rapporteur had addressed in his last observation report. Of additional concern is the fact that domestic legislation, such as several articles of the Penal Code, the Law of Associations, and the Law on Protecting Society from Terrorist Acts, impose broad prohibitions on individual and group expression and peaceful assemblies and marches.

551. The Special Rapporteur reiterates his press statement issued jointly with other independent experts of the Human Rights Council in which he noted that "trying to quell protests and criticism by resorting to repression and violence is not only a violation of international human rights law, it also undoubtedly leads to an escalation of tension (...) undermining any prospect of alleviation of social and political unrest in Bahrain". The Special Rapporteur emphasizes that the imposition of a death sentence is an exceptional measure only permissible under international law for the "most serious crimes" and where all procedural guarantees are observed (CCPR General Comment No. 6).

552. The Special Rapporteur remains deeply concerned over allegations of torture and ill-treatment to which human rights defenders, including women human rights defenders are being subjected during interrogations and while in detention. These concerns are aggravated by the fact that acts of torture and ill-treatment may have occurred, at least in part, in reprisal for their cooperation with the human rights mechanisms of the United Nations. The Special Rapporteur acknowledges the response of the Government to his communication sent on 31 October 2017 regarding allegations of torture and other ill-treatment of Mr. Ibrahim Jawad 'Abd Ullah Sarhan, however he regrets that the substance of the allegations was not addressed by the Government. He further expresses his dismay over the denial of the allegations and urges the Government to treat such allegations in a manner compatible with its obligations under articles 7 and 12 CAT regarding the investigation and prosecution of instances of torture and ill-treatment.

553. In March 2017, upon her arrival in Bahrain from the 34th session of the United Nations Human Rights Council, female human rights defender Ms. Ebtesam Alsaegh was detained at the Bahrain International Airport and interrogated for several hours. In addition, in May 2017, she was interrogated about her human rights activities and her cooperation with United Nations human rights mechanisms. During the interrogation she was subjected to acts of torture by the National Security Agency agents. The Special Rapporteur takes note of information provided by the Government regarding the fact that the Public Prosecution has decided to refer those allegations of torture to the Special Investigation Unit and looks forward to receiving information about the findings of the investigation.

554. The Special Rapporteur is seriously concerned by information conveyed by Bahraini authorities confirming that Ms. Alsaegh is facing several charges related to, inter alia, terrorist activities, conspiracy, spreading false rumours that could prejudice national security and public order, and participation in a public gathering for the purpose of committing acts of aggression against public security forces, public property and disturbing public order. She denies all charges brought against her. The Special Rapporteur notes that her case is under investigation and reiterates his concerns at the use of counter-terrorism laws to impede the legitimate activities of human rights defenders and retaliate against their families.

555. The Special Rapporteur fully acknowledges that States have not only the right, but also the duty, to protect individuals within their jurisdiction from threats to their lives and physical integrity emanating from acts of terrorism. Any effective counter-terrorism strategy must include measures to address the financing of terrorism and to prevent organizations and groups from providing financial and other support for acts of terrorism or for terrorist groups. At the same time, all measures adopted must comply with States'

international obligations, including human rights, humanitarian and refugee law obligations. Given the decisive role of civil society in countering terrorism and extremism, States have a duty to protect civil society and the rights that are critical to its existence and development. The overly broad definitions of terrorism and other state security related crimes carry the potential for deliberate misuse and unintended human rights abuses.

556. The Special Rapporteur laments the discrimination and violence faced in particular by women human rights defenders and urges the Government of Bahrain to take urgent and practical measures to protect women human rights defenders, as well as to create safe and enabling environment for their work as called for by the United Nations General Assembly in its resolution 68/181.

557. The Special Rapporteur urges Bahraini authorities to undertake urgent and effective steps in the direction of creating and maintaining a safe and enabling environment in which all human rights defenders can operate free from interference, including through open and unhindered access to international human rights bodies such as the United Nations, its mechanisms and representatives in the field of human rights, without fear of harassment, stigmatization or criminalization of any kind.

558. The Special Rapporteur exhorts Bahrain to take all measures to prevent loss of life during detention, arrest, or public demonstrations, as well as ensure that law enforcement officers act with restraint and in conformity to international law. He calls for the immediate end to any torture or mistreatment of human rights defenders in detention and calls upon Bahrain to "ensure that any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings" in conformity with article 15 of CAT. The Special Rapporteur calls upon Bahrain to combat impunity through timely and effective action by holding accountable both State and non-State actors who attack or threaten human rights defenders and their families, as stated in paragraph 6 of Human Rights Council resolution 13/13. He equally urges the Government to ensure that policies and practices, particularly anti-terrorism legislation, conform to international standards and do not have the effect of depriving or discouraging human rights defenders from exercising their activities, which are vital for a democratic society.

## Egypt

559. JUA 09/12/2016 Case no: EGY 16/2016 State Reply: 03/02/2017

**Allegations of legal and administrative restrictions, arbitrary arrest and detention, harassment, and imposition of a travel ban and freezing of assets of Ms. Azza Soliman, a prominent women's human rights defender.**

560. JUA 30/01/2017 Case no: EGY 1/2017 State reply: 04/04/2017

**Allegations of legal and administrative restrictions and imposing a travel ban, freezing assets, and forcibly closing libraries to harass and criminalize the legitimate human rights work of Mr. Gamal Eid for alleged violations of the Foreign Funding Law.**

561. JUA 13/04/2017 Case no: EGY 3/2017 State reply: none to date

**Allegations of legal and administrative restrictions on the operation of the El Nadeem Center for Rehabilitation of Victims of Violence and Torture, and its forced closure for alleged violations of the NGO Law 84/2002.**

562. JUA 03/05/2017 Case no: EGY 5/2017 State reply: none to date

**Allegations of torture and ill-treatment, enforced disappearance, arbitrary arrest and detention against Dr. Ahmad Amasha, in reprisal for cooperation with the UN Working Group on Enforced and Involuntary Disappearances.**

563. JUA 06/07/2017 Case no: EGY 9/2017 State reply: 30/10/2017

**Allegations concerning the arrest and detention of Dr. Hanane Baderraddine Abdalhafez Othman, in connection with her activities as a human rights defender and**

**as an act of reprisal for her cooperation with the United Nations Working Group on Enforced and Involuntary Disappearances.**

564. JUA 03/10/2017 Case no: EGY 14/2017 State reply: 08/11/2017

**Allegations concerning the abduction and subsequent detention of Mr. Ebrahim Abdelmonem Metwally Hegazy, reportedly in reprisal for his activities as a human rights defender and cooperation with the United Nations Working Group on Enforced and Involuntary Disappearances.**

565. JAL 30/10/2017 Case no: EGY 16/2017 State reply: none to date

**Alleged continuation of the criminal and administrative proceedings pursued under Case 173/2011 against several human rights defenders, including Ms. Azza Soliman, as well as allegations of irregularities in the appointment of the investigative Judge of the case.**

566. JUA 31/10/2017 Case no: EGY 17/2017 State reply: none to date

**Allegations concerning the arrests and detention, as well as incrimination of persons based on their actual or perceived sexual orientation or gender identity and expression, and/or their actual or perceived expression and advocacy for protection of the human rights of LGBT people, including of two human rights defenders, Mr. Ahmed Alaa and Ms. Sarah Hegazy.**

567. Press release 15/12/2016

**Egypt: UN experts condemn Egypt as clampdown "tightens the noose" on women's rights movement.**

568. Press release 15/09/2017

**Egypt: UN rights experts dismayed by arrest of Egyptian lawyer Ebrahim Metwally en route to meet him.**

569. The Special Rapporteur wishes to thank the Egyptian Government for replies provided to four of his letters during the present reporting period and hopes to receive answers to the remaining four communications.

570. The Special Rapporteur shares his utmost concern at the overall situation of human rights defenders in Egypt as well as at reported allegations of torture, enforced disappearance, arbitrary arrest, detention, freezing of assets, travel bans and administrative restrictions against human rights defenders, apparently in retaliation for the legitimate exercise of their rights under international law. The Special Rapporteur is particularly alarmed by the physical and psychological security and well-being of human rights defenders, who are operating in an increasingly hostile and dangerous environment, as highlighted by the communications sent during the present reporting period.

571. Ongoing restrictions on freedom of expression and opinion are of equal concern to the mandate holder. More than 400 websites of media outlets and NGOs, both international and national, have reportedly been blocked inside Egypt. This ongoing ban significantly restricts the realm of activities of human rights defenders.

572. Of particular apprehension is the situation faced by women human rights defenders and women's rights groups who continue to suffer the consequences of the continuing crackdown on civil society in Egypt. In a press release issued jointly with other mandate holders of the Human Rights Council the Special Rapporteur had notably stated that "the noose is tightening around the women's rights movement, and this is having a direct and considerable impact on human rights". The arrest and investigation of Ms. Azza Soliman, a prominent defender of women's rights, in December 2016, as well as the continuous judicial harassment to which she has been subjected, sends strong signals about the hostile position which the Egyptian Government has adopted towards human rights defenders. The persecution of women's rights defenders such as Ms. Azza Soliman and Ms. Mozn Hassan reinforces the pattern of systematic repression of civil society and produces a chilling effect on human rights defenders and their legitimate and extremely valuable contribution to the cause of human rights protection in Egypt.

573. The Special Rapporteur remains concerned by the continuation of the various criminal and administrative proceedings pursued under Case 173/2011 against human rights defenders and civil organizations, which appear to be related to the legitimate exercise of their work denouncing and litigating against human rights violations, as well as providing legal aid to its victims. He also expresses his dismay at the enactment of the Law No. 70 for Regulating the Work of Associations and Other Institutions Working in the Field of Civil Work, which seeks to limit and criminalize the work of NGOs. The application of this legislation prevents defenders from carrying out their legitimate activities, imposing restrictions on articles 19 and 22 of the ICCPR and further jeopardizing their independence and right to privacy as guaranteed by article 17 of the ICCPR. In addition, the Government of Egypt has accepted several recommendations under its second UPR cycle in May 2015 to promote and protect the rights to freedom of association and expression and to adopt an NGO law in compliance with international human rights standards, including by eliminating all interference with the registration and work of NGOs and guaranteeing their right to seek and receive funding.

574. The mandate holder, while acknowledging legitimate concerns of the Government of Egypt in relation to regulating funding from abroad in conjunction with counter-terrorism efforts, wishes to emphasize that related legislation shall not be misused against human rights defenders. He wishes to make reference to recommendations contained in the report of the Special Rapporteur on the situation of human rights defenders to the General Assembly in 2009 (A/64/226, paras. 123, 124, 125), which, inter alia, stated that governments must allow access by NGOs to foreign funding, such access may only be restricted in the interest of transparency, and in compliance with generally applicable foreign exchange and customs laws and that human rights NGOs should be permitted to engage in all legally acceptable fund-raising activities under the same regulations that apply to other non-profit organizations in general.

575. The Special Rapporteur reiterates concerns at the allegations of abduction, arbitrary detention, torture and ill-treatment of a number of human rights defenders, which, in addition, seem to constitute acts of reprisals for their cooperation with the Special Procedures of the Human Rights Council of the United Nations.

576. Dr. Ahmed Shawky Abdelsattar Mohamed Amasha, an Egyptian human rights defender and the co-founder of the League for Families of the Disappeared was allegedly abducted by police officers as he was crossing the Nasr City police checkpoint in Cairo in March 2017. In April 2017, he was charged with "belonging to a banned group" under the Anti-Terrorism Law of Egypt and transferred to the Tora Prison of Cairo. This facility is reportedly known for its inhumane conditions of detention and for subjecting human rights defenders and political opponents to physical and psychological torture. The Special Rapporteur has strong grounds to believe that Dr. Amasha has been arrested and prosecuted on the sole basis of his peaceful activities as a human rights defender, which included documenting cases of enforced disappearances for the Special Procedures of the Human Rights Council of the United Nations.

577. Dr. Hanane Othman is a human rights defender working for the League for Families of the Disappeared in Egypt. She has also documented cases of enforced disappearances for submission to the United Nations Working Group on Enforced and Involuntary Disappearances. In May 2017, Dr. Othman was officially charged with joining a banned group. According to most recent information, she is detained at Al Qanater Al Khayriyah Prison for women, in the Governorate of Qalyubiya, reportedly in inhumane conditions, where she might be at risk of torture and ill-treatment. The Special Rapporteur regrets that these allegations are not fully addressed in the reply of the Egyptian Government of 30 October 2017, which qualifies them as "unsubstantiated insofar a[s], like the other inmates, she is being treated in accordance with the prison regulations". The absence of any details pertaining these extremely serious allegations amplifies concerns about the physical and psychological integrity of Dr. Othman and the conditions of her detention.

578. Mr. Ebrahim Abdelmonem Metwally Hegazy is a lawyer and a human rights defender working as a Coordinator for the Association of the Families of the Disappeared in Egypt who has documented cases of enforced disappearances for submission to the to the United Nations Working Group on Enforced and Involuntary Disappearances. On 10

September 2017, Mr. Metwally was arrested at Cairo International Airport by State Security forces while boarding a flight to Geneva. Mr. Metwally had an appointment with the United Nations Working Group on Enforced and Involuntary Disappearances in Geneva scheduled for 15 September 2017. It is alleged that Mr. Metwally was subjected to torture during the first two days of his deprivation of liberty. In its reply provided to the Special Rapporteur on 8 November 2017 the Egyptian Government informs that on 12 September 2017 Mr. Metwally was charged with heading a terrorist group and disseminating false reports, statements and rumors abroad concerning the internal situation in the country in a manner likely to undermine the State's trustworthiness, esteem and standing and harm its national interests. These charges are denied by the accused. The Special Rapporteur is extremely concerned by the heavy criminal charges brought against Mr. Metwally, which are apparently linked to his peaceful and legitimate activities as a human rights defenders and his engagement with the United Nations. The Special Rapporteur also regrets that allegations of torture and ill-treatment were addressed in a vague manner in the reply of the Government and remains deeply alarmed by the risk of torture which Mr. Metwally remains subjected to.

579. In relation to cases mentioned above the Special Rapporteur wishes to stress the call made by the Human Rights Council in resolution 7/12 for States to ensure the protection of human rights defenders acting against enforced disappearances as well as to article 13 parts (3) and (5) of the Declaration on the Protection of all Persons from Enforced Disappearance, which state that "Steps shall be taken to ensure that all involved in the investigation, including the complainant, counsel, witnesses and those conducting the investigation, are protected against ill-treatment, intimidation or reprisal".

580. The Special Rapporteur strongly condemns all acts of violence, intimidation and judicial harassment of human rights defenders as a consequence of their engagement with the human rights mechanisms of the United Nations. He wishes to underline that Human Rights Council resolutions 12/2 and 24/24 call on Governments to prevent and refrain from all acts of intimidation or reprisal against those who seek to cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights.

581. The Special Rapporteur wishes to remind Egyptian authorities that the work of human rights defenders is a vital element of a striving democratic society and that the State bears the ultimate responsibility to ensure a safe and enabling environment in which human rights defenders can carry out their work. This responsibility includes protecting them from any form of reprisal for their cooperation with UN and other international human rights bodies and mechanisms. The Special Rapporteur urges the Egyptian Government to reverse the downward spiral of the deteriorating human rights situation in the country, to repeal all repressive measures against human rights defenders, including travel bans and legislation that criminalizes their peaceful and legitimate activities. He also calls for prompt, effective, independent, and accountable investigations of alleged human rights violations against human rights defenders by State and non-State actors and prosecution of such cases, where appropriate.

## Israel

582. JAL 27/02/2017 Case no: ISR 2/2017 State reply: none to date

**Allegations of ill-treatment and beatings, arbitrary detention, and restrictions on the freedom of expression and association against Popular Struggle Coordination Committee (PSCC) human rights defenders working in the Occupied Palestinian Territories.**

583. JAL 03/03/2017 Case no: ISR 3/2017 State reply: 24/05/2017

**Allegations of reprisals for cooperation as well as restrictions on the freedom of expression and association in denying a work visa for the Director of Israel and Palestine of Human Rights Watch.**

584. JAL 12/05/2017 Case no: ISR 6/2017 State reply: none to date

**Allegations of restrictions on freedom of expression and opinion and freedom of peaceful assembly and association for human rights defenders associated with the "Dismantle the Ghetto, Take Settlers out of Hebron" campaign in the Occupied Palestinian Territories.**

585. JAL 08/11/2017 Case no: ISR 9/2017 State reply: none to date

**Allegations of a physical attack against the human rights defender, Mr. Imad Abu Shamsiyya, while he attended a peaceful pray-in at Khirbet Qilqis in the south of Hebron, as well as allegations of subsequent threats against the human rights defender posted on social media.**

586. Press release 16/12/2016

**Israel: Human rights defenders under growing legal pressure in the OPT – UN rights experts.**

587. Press release 03/03/2017

**Israel: UN rights experts denounce Israel's growing constraints on human rights defenders.**

588. Press release 07/07/2017

**Israel: UN human rights experts call on Israel to reconsider the charges against Palestinian activist Issa Amro.**

589. The Special Rapporteur thanks the Government of Israel for its response to the communication sent on 3 March 2017 and recognizes the substantial nature of the reply. He regrets, however, that no response has been received from the Government to the other communications sent during the reporting period. He encourages the Government to fully engage with the mandate holders of the Special Procedures of the Human Rights Council and to provide responses to all communications sent.

590. The Special Rapporteur continues to remain alarmed by the particular situation of human rights defenders and civil activists working in the Occupied Palestinian Territory who face regular violations of their rights, including arrests and detention, as a direct result of their important work in their communities. He expresses concern over the alleged arbitrary detention of human rights defenders due to their participation in peaceful protests. The Special Rapporteur is wary of the usage of "closed military zones" as a tool to curtail the defenders' freedom of assembly and urges the Government to permit such demonstrations. In this regard he wishes to remind the Government of its obligations under article 21 ICCPR, ratified by Israel on 3 October 1991, which recognizes the right of peaceful assembly.

591. The Special Rapporteur rests preoccupied by the continued use of military courts in the prosecution of civilians, including human rights defenders, and recalls Human Rights Committee General Comment No. 32 on article 14 ICCPR, which notes that the trial of civilians in military or special courts may raise serious problems as far as the equitable, impartial and independent administration of justice is concerned.

592. The Special Rapporteur further expresses grave concern over reports of alleged torture and ill-treatment in detention, along with poor and unsuitable conditions and the withholding of access to medical assistance. He wishes to draw specific attention to the treatment of woman human rights defender Ms. Lema Nazeeh who was allegedly beaten both prior to and during detention. Reports indicate that along with being beaten, Ms. Nazeeh was placed in a solitary dark cell, denied access to water and legal counsel and was subjected to sleep deprivation. The Special Rapporteur additionally notes allegations that during his administrative detention, Mr. Badie Dweik was denied access to necessary medication by prison authorities, despite his having been brought to hospital in Jerusalem concerning a pre-existing medical condition.

593. The Special Rapporteur wishes to draw final attention to the case of Mr. Imad Abu Shamsiyya, who has allegedly suffered threats and harassment, ostensibly due to his reporting on the extrajudicial killing of a Palestinian man by an Israeli soldier and his peaceful involvement in a pray-in in the south of Hebron. While recording the pray-in on his camera, Mr. Abu Shamsiyya was allegedly asked to stop recording and leave the area by Israeli forces. Following the request, four tear gas canisters were shot directly at him,

causing him to lose consciousness. The same day, he was allegedly subjected to threats on Facebook from what appeared to be Israeli extremist groups. Mr. Abu Shamsiyya has previously been the subject of both threats and physical attacks from similar perpetrators.

594. The Special Rapporteur wishes to restate the importance of the role of human rights defenders in recording human rights violations along with the benefits their activities lend to the creation and maintenance of a healthy, free and democratic society. He also wishes to refer to the report of the UN Special Rapporteur on freedom of peaceful assembly and association, in which he calls on States to "ensure the protection of those monitoring and reporting on violations and abuses in the context of peaceful assemblies" (A/HRC/20/27, para. 94).

595. The Special Rapporteur wishes to refer to General Assembly resolution 72/247, adopted in November 2017, which stresses that the right of everyone to promote and strive for the protection and realization of human rights and fundamental freedoms without retaliation or fear thereof is an essential element in building and maintaining sustainable, open and democratic societies. The resolution calls upon States to take concrete steps to prevent and put an end to arbitrary arrest and detention, including of human rights defenders, and in this regard strongly urges the release of persons detained or imprisoned, in violation of the obligations and commitments under international human rights law, for exercising their human rights and fundamental freedoms.

## Jordan

596. JAL 28/07/2017 Case no: *JOR 1/2017* State reply: none to date

**Allegations concerning the blocking of the local website "Namdi.net" by Jordanian authorities, in relation to the launching of two petitions and publishing of information related to human rights violations during June and July 2017.**

## Lebanon

597. JUA 21/12//2016 Case no: LBN 4/2016 State reply: 20/03/2017

**Allegations concerning the arrest and arbitrary detention of two women human rights defenders, Ms. Rose Limbu and Ms. Sujana Rana, as well as the forced deportation of the latter, which appear to be related to their legitimate human rights activities aimed at defending the rights of migrant workers in Lebanon.**

598. The Special Rapporteur notes with regret the decision of Lebanese authorities to arrest and deport two female human rights defenders and Nepalese nationals Ms. Roja Maya Limbu and Ms. Shusila Rana, to Nepal. The Special Rapporteur attaches particular importance to the violations faced by human rights defenders who advocate for the rights of people on the move, in this case, migrant workers.

599. Ms. Limbu and Ms. Rana are human rights defenders and representatives of the broad domestic migrant community in Lebanon. They were active members of the Domestic Workers Union. Both women have played a key role in documenting violations against other domestic migrant workers belonging to the Nepali community in Lebanon. The Special Rapporteur is alarmed that the detrimental actions against them send a chilling effect to civil society and human rights defenders who work to ensure equal rights and protect domestic migrant workers in Lebanon. He urges Lebanese authorities to protect and promote the rights of defenders of people on the move and to address the challenges faced by them in the exercise of their fundamental right to promote and protect the universally recognized human rights and fundamental freedoms of people on the move.

## Mauritania

600. JUA 09/06/2017 Case no: MRT 1/2017 State reply: none to date

**Allégations de violations des droits à la liberté de réunion pacifique concernant un rassemblement pacifique s'étant déroulé le 16 avril 2017 ainsi que des allégations de harcèlement contre une journaliste et une universitaire dans le cadre de leurs activités légitimes de leurs droits à la liberté d'expression et d'association.**

601. Le Rapporteur spécial regrette, qu'au moment de la rédaction du présent rapport, aucune réponse n'a été reçue. Il rappelle que la réponse des autorités à ses communications

constitue un élément essentiel de la collaboration des États avec son mandat et les Procédures spéciales.

602. Il réitère ses préoccupations concernant les allégations d'usage excessif de la force au cours du rassemblement pacifique du 16 avril 2017 ainsi que des allégations d'arrestations et détentions illégales de manifestants et de l'expulsion du territoire de Mme. Tiphaine Gosse. Ces mesures s'inscrivent dans le contexte de menaces continuelles auxquelles sont exposés les défenseurs des droits de l'homme, chercheurs, professionnels des médias, ainsi que les organisations non-gouvernementales, ciblés par les autorités pour leurs activités légitimes liées au droit à la liberté d'expression, à l'accès à l'information, et de droit de manifestation pacifique et d'association.

## Morocco

603. JAL 12/12/2016 Case no: MAR 5/2016 State reply: none to date

**Allegations quant à l'arrestation, la détention arbitraire, les agressions verbales et physiques et les mauvais traitements subis par M. Amidan Said et M. Brahim Laajail, deux défenseurs des droits de l'homme sahraouis membres de L'Équipe Média.**

604. JAL 14/07/2017 Case no: MAR 1/2017 State reply: 19/09/2017

**Allegations concernant des arrestations et condamnations de manifestants ainsi que l'usage excessif de la force par les forces de l'ordre et les forces militaires dans le cadre de manifestations dans la région marocaine du Rif.**

605. JAL 20/07/2017 Case no: MAR 3/2017 State reply: none to date

**Allegations concernant des actes de torture et de traitements inhumains et dégradants, et des violations du droit à un procès équitable commises à l'encontre des 24 défenseurs des droits de l'homme et militants politiques sahraouis.**

606. JAL 20/10/2017 Case no: MAR 4/2017 State reply: 21/12/2007*

**Allegations concernant le harcèlement judiciaire et les lourdes charges portées contre M. Abdessadeq El Bouchtaoui, défenseur des droits de l'homme et avocat.**

607. Le Rapporteur spécial remercie le Gouvernement pour les réponses reçues à deux de ses lettres concernant des allégations de violations des droits de l'homme dont l'une est en cours de traduction. Il a examiné avec attention les explications fournies par le Gouvernement au sujet des allégations présentées. Il regrette néanmoins ne pas avoir reçu de réponse concernant les autres communications envoyées et il espère les recevoir dans les meilleurs délais.

608. Le Rapporteur spécial continue d'être préoccupé par la situation générale des défenseurs des droits de l'homme au Maroc, y compris ceux qui mènent leurs activités au Sahara occidental. Il demeure inquiet par la tendance continue de la criminalisation des défenseurs des droits de l'homme et de la criminalisation de l'exercice de leur droit à la liberté d'expression par les autorités marocaines.

609. Le Rapporteur Spécial réitère ses préoccupations quant l'arrestation, la détention arbitraire, les agressions verbales et physiques et les mauvais traitements subis par M. Amidan Said et M. Brahim Laajail, deux jeunes défenseurs des droits de l'homme sahraouis de l'Équipe Média (EM), par les forces de l'ordre marocaines qui, en toute apparence, visent à intimider et entraver leur action en faveur des droits de l'homme, notamment ceux du peuple sahraoui. Selon des informations reçues, le 29 novembre 2016, ils sont été condamnés respectivement à trois mois et deux mois de prison avec sursis. Le Rapporteur spécial a reçu un nombre considérable d'autres cas de harcèlements policiers visant les défenseurs de droits de l'homme et les journalistes qui dénonçaient la situation du Sahara Occidental. Au cours des cinq dernières années, plus de dix membres du collectif EM ont prétendument été arrêtés, détenus arbitrairement et maltraités par les forces de l'ordre marocaines.

* At the time of publishing no translation for this response was available

610. Le Rapporteur spécial regrette profondément les arrestations et les condamnations de manifestants ainsi que l'usage excessif de la force par les forces de l'ordre dans le cadre de manifestations dans la région marocaine du Rif au cours de l'année 2017. En réitérant ses préoccupations, le Rapporteur spécial souhaite rappeler les dispositions de la résolution 12/16 du Conseil des droits de l'homme selon lesquelles les États ne peuvent pas imposer de restrictions incompatibles avec le paragraphe 3 de l'article 19 du PIDCP, notamment en ce qui concerne la discussion des politiques gouvernementales et du débat politique mais aussi les manifestations pacifiques ou autres des activités politiques.

611. Le Rapporteur Spécial, en outre, exprime ses vives préoccupations quant au harcèlement judiciaire allégué et les lourdes charges portées contre M. Abdessadeq El Bouchtaoui, défenseur des droits de l'homme et avocat, qui semblent étroitement liés à ses activités pacifiques de défenseur des droits de l'homme ainsi qu'à ses opinions critiques exprimées sur les réseaux sociaux, sur les violations des droits de l'homme au Maroc. M. El Bouchtaoui est inculpé, entre autres, d'«incitation à commettre des délits et des crimes» et de «contribution à l'organisation d'une manifestation non autorisée et interdite». M. El Bouchtaoui représente les activistes de la ville d'Al-Hoceima qui ont été accusés d'avoir participé à des manifestations. Le 26 septembre 2017, lors d'une audience avec le procureur public d'Al-Hoceima, M. El Bouchtaoui a été informé des charges portées contre lui. Il a également été informé qu'à titre de preuve, le parquet allait invoquer plus de 150 de ses messages publiés sur Facebook, qui sont majoritairement critiques des politiques gouvernementales et de l'usage excessif de la force par les forces de l'ordre, ainsi que des informations en provenance des sources de sécurité et de renseignement. M. El Bouchtaoui est, selon les allégations, inculpé d'«insultes à l'encontre des fonctionnaires et des membres des forces publiques pour entrave à leur travail», d'«outrage aux décisions judiciaires», d'«incitation à commettre des délits et des crimes», de «contribution à l'organisation d'une manifestation non autorisée et interdite» ainsi que d'«invitations aux personnes à participer à une manifestation interdite».

612. Le Rapporteur spécial regrette avoir reçu de nouvelles informations concernant des allégations de violations graves des droits de l'homme dans la région du Rif, notamment contre des mineurs. Le Rapporteur spécial exhorte le gouvernement du Maroc à renoncer de toute urgence à toute politique et pratique qui ne se conforme pas aux normes et instruments juridiques internationaux relatifs aux arrestations et détentions arbitraires des défenseurs des droits de l'homme, il exhorte le Gouvernement à prendre toutes les mesures nécessaires pour assurer un environnement favorable à la sécurité des défenseurs des droits de l'homme, dans lequel ils peuvent mener leurs activités légitimes sans crainte de harcèlement, de stigmatisation, de répression ou de criminalisation de quelque nature que ce soit.

## Oman

613. JUA 29/03/2017 Case no: OMN 1/2017 State reply: 12/04/2017

**Allegations concerning the arrest and detention of Mr. Yusuf Al Balouchi, known under the pen name of Yousuf Al Haj, editor and journalist at the Al Zaman newspaper and human rights defender**.

614. The Special Rapporteur acknowledges the reply provided by the Government of the Sultanate of Oman to his letter. He notes that the case of Mr. Al Haj is currently under judicial review and regrets that the reply provided by the Government addresses only partially his concerns. The Special Rapporteur reiterates his grave concern at the arrest, detention and conviction of Mr. Al Haj, which in his eyes represent a criminalization of the legitimate exercise of his right to freedom of expression in the performance of his duties as a journalist.

## Qatar

615. JUA 05/05/2017 Case no: QAT 2/2017 State reply: none to date

**Allegations concerning Mr. Mohammed Al-Otaibi, a Saudi national who might be at imminent risk of deportation from Qatar to the Kingdom of Saudi Arabia, in violation of the non-refoulement principle.**

616. In the absence of a reply from the Government of Qatar, the Special Rapporteur deeply regrets the reported decision of Qatari authorities to deport Saudi human rights defender Mr. Mohammed Abdullah al-Otaibi to Saudi Arabia, where he faces judicial prosecution and possible ill-treatment due to his peaceful human rights work. He wishes to recall article 3 of the CAT, ratified by Qatar on 11 January 2000, which provides that no State shall expel, return ("refouler") or extradite a person to another State where there are substantial grounds to believe that he would be in danger of being subjected to torture.

## Saudi Arabia

617. JUA 13/12/2016 Case no: *SAU 8/2016* State reply: 13/02/2017

**Allegations of arbitrary investigations and prosecutions of three human rights defenders, Mr. Mohammad Abdullah Al Otaibi, Mr. Abdullah Moudhi Saad Al Atawi and Mr. Issa Al-Hamid, for activities aimed at defending and promoting human rights.**

618. JAL 25/07/2017 Case no: *SAU 1/2017* State reply: *25/07/2017*

**Alleged incommunicado and arbitrary detention of Mr. Imam Hasan Taha Al-Waleed and Mr. Mohammad Sayyed Ahmad Al-Qasem, Sudanese nationals and human rights defenders, as well as the alleged arbitrary detention of Mr. Essam Koshak.**

619. JUA 20/02/2017 Case no: *SAU 2/2017* State reply: *20/04/2017*

**Allegations concerning arbitrary arrest and threats of torture against human rights defender Mr. Issa Al Nukheifi in relation to his work promoting human rights in Saudi Arabia and cooperating with international organizations.**

620. JUA 06/04/2017 Case no: SAU 4/2017 State reply: 20/04/2017 and 26/05/2017

**Allegations concerning application of discriminatory guardianship laws to arbitrarily arrest and detain a female human rights defender in retaliation for her human rights work.**

621. Press Release 02/01/2018

**Saudi Arabia: UN experts decry Saudi Arabia's persistent use of anti-terror laws to persecute peaceful activists.**

622. The Special Rapporteur thanks the Government of Saudi Arabia for the responses provided to all four communications sent in the reporting period. While he has carefully considered the details provided by the Government regarding the allegations contained in his letters, he continues to disagree with a number of interpretations contained in the state replies, notably concerning arguments regarding the compliance of legislation and practice concerning human rights defenders working in Saudi Arabia with international human rights norms.

623. The Special Rapporteur reiterates his serious concerns regarding the situation of human rights defenders in the country. Despite being elected as member of the Human Rights Council at the end of 2016, Saudi Arabia has continued the dangerous practice of silencing, arbitrarily arresting, detaining and persecuting human rights defenders and critical voices in society. The Special Rapporteur continues to observe increasing victimization and targeting of human rights defenders through legal proceedings and other administrative measures that are used to intimidate and impede their work in defence of human rights.

624. He deplores Saudi Arabia's continued use of counter-terrorism and security-related laws against human rights defenders. Human rights defenders including writers, journalists and academics have been targeted, along with members of the banned Saudi Civil and Political Rights Association (ACPRA), in a continuing pattern of widespread and systematic arbitrary arrests and detention. More than 60 prominent religious figures, writers, journalists, academics and civic activists are reported to have been detained in a wave of arrests since September 2017, adding to a list of past cases.

625. The Special Rapporteur is seriously concerned about the particularly egregious case of a female human rights defender who was detained in a "care house" facility under male

guardianship laws, on charges of "parental disobedience". Her detention appears to be in retaliation to her leading role in protesting gender discriminatory laws, as well as the domestic violence complaint she filed against her brothers. It appears that she was released only after the complaint against at least one of her brothers was dropped. Her case aptly demonstrates the double risk of stigmatization that women human rights defenders face both because of their status as women and as human rights defenders. They are often stigmatized because their work challenges the dominant patriarchal discourse and assigned social role of women as belonging to the private sphere. This stigmatization is legalized by the Government through discriminatory guardianship laws. In this respect the Special Rapporteur finds it pertinent to make reference to General Assembly resolution 72/247, adopted in November 2017, which expresses particular concern about systemic and structural discrimination and violence faced by women human rights defenders of all ages, and reiterates its strong call upon States to take appropriate, robust and practical steps to protect women human rights defenders and to integrate a gender perspective into their efforts to create a safe and enabling environment for the defence of human rights, as called for by the General Assembly in its resolution 68/18.

626. The Special Rapporteur expresses serious concern over the detention of a number of human rights defenders on charges of terrorism, including Mr. Al Nukheifi, Mr. Koshak, Mr. Al-Waleed and Mr. Al-Qasem. Similarly, the Special Rapporteur is concerned about defenders Mr. Al Otaibi, Mr. Al Atawi and Mr. Hamid, who either face conviction or have been convicted by the Special Criminal Court, which normally deals with cases on terrorism but is increasingly being utilized against defenders. The development and application of national security and counter-terrorism policies often entails a vague set of laws and opaque institutional mechanisms that restrict individual freedoms and legitimate acts of defenders under the pretext of protecting national security or public safety. Such laws must use transparent and foreseeable criteria to define terrorist acts and the Government bears the duty to ensure that such measures do not violate the fundamental rights of defenders, and do not result in arbitrary detention and violations of due process guarantees.

627. The Special Rapporteur expresses serious concern about the arrest, prolonged detention and threats of torture against Mr. Al Nukheifi, who was allegedly questioned about his activities on social media and involvement with international human rights organizations. His arrest comes on the heels of being consulted by representatives of the United Nations after his release from prison, where he was incarcerated for 4 years, and appears to constitute a pattern of retaliation. In this context, the Special Rapporteur calls upon the Government to prevent and refrain from all acts of intimidation and reprisal against those who seek to cooperate or have cooperated with the United Nations and its representatives. Reprisals deeply affect individuals, their families, and harm long-term goals of cooperation between a country's civil society and the international community.

628. The Special Rapporteur believes that arrests and detentions appear to be part of broader pattern of criminalization of defenders in the Kingdom of Saudi Arabia, in an attempt to limit the exercise of their rights to freedom of association and expression, especially through online activism and use of social media. This trend toward restricting and criminilizing criticism of public officials seriously restricts human rights defenders' rights to public engagement, opinion and expression.

629. The Special Rapporteur calls on the Government to remove any restrictions that place obstacles on the "legitimate activities of defenders engaged in promoting and protecting human rights", including by ensuring respect for the rights to freedom of association and freedom of expression, even if it involves dissent against public officials, public institutions or prevailing public morality. Further, he urges the Government to ensure that all defenders facing trial will receive "a fair and public hearing by an independent and impartial tribunal", in the determination of their "rights and obligations and of any criminal charges" against them in conformity with article 10 of the UDHR. Specifically, in the context of women human rights defenders, the Rapporteur urges the Government to rescind discriminatory laws, including male guardianship, and take measures aimed at implementing UN General Assembly resolution 68/181 on protecting women human rights defenders. He further urges the Government to rescind policies developed in the name of national security, counter-terrorism and public order, which serve

to criminalize human rights defenders, and ensure State compliance with its duties to protect the rights of human rights defenders.

## United Arab Emirates

630. JUA 27/03/2017 Case no: ARE 1/2017 State reply: 25/05/2017

**Allegations concerning the alleged arbitrary arrest, secret detention, risk of enforced disappearance and torture, and reprisal against Emirati blogger and human rights defender Mr. Ahmed Mansoor.**

631. JAL 03/05/2017 Case no: ARE 3/2017 State reply: 05/06/2017

**Allegations concerning the conviction to ten years imprisonment, torture and cruel treatment, and denial of access to medical treatment of Mr. Nasser Bin Ghaith, an Emirati scholar and human rights defender.**

632. JAL 26/10/2017 Case no: ARE 7/2017 State reply: none to date

**Allegations concerning the continued detention in solitary confinement and without access to a lawyer of Mr. Ahmed Mansoor since 20 March 2017.**

633. Press release 28/03/2017

**United Arab Emirates: UN rights experts urge UAE: "Immediately release Human Rights Defender Ahmed Mansoor".**

634. The Special Rapporteur thanks the Government of the United Arab Emirates for its reply to his letters of 27 March 2017 and 3 May 2017. He takes note of the information provided concerning the procedural history of the cases concerned and the Government's confirmation of the charges against Mr. Mansoor and Mr. Bin Ghaith. He regrets that the Government's reply of 25 April 2017 was limited to denying the allegations of the letter without further detail or verifiable information to the contrary.

635. The Special Rapporteur nonetheless remains seriously concerned by allegations of arbitrary arrest and detention, violation of fair trial rights, criminalization, impediments to freedom of expression, enforced disappearances, torture and ill-treatment, and reprisals against human rights defenders, apparently in retaliation for the legitimate exercise of their rights under international law. The Special Rapporteur reiterates his grave concern regarding the treatment of human rights defenders while in detention, which appears to be incompatible with the CAT, the Basic Principles for the Treatment of Prisoners adopted by General Assembly resolution 45/111 as well as the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules) as revised in 2015 by the United Nations General Assembly resolution 70/175.

636. The Special Rapporteur is profoundly concerned at the arrest of and the criminal proceedings held against Mr. Ahmed Mansoor, for charges related to the expression through social media of critical views on the human rights situation in the country. He is allegedly detained in solitary confinement and without access to a lawyer since 20 March 2017. Mr. Mansoor is detained under criminal accusations of "circulating false and misleading information on the Internet with a view to spreading hatred and sectarianism".

637. The Special Rapporteur regrets that the reply of the Government failed to explain which specific actions of Mr. Ahmed Mansoor amounted to "circulating false and misleading information on the Internet with a view to spreading hatred and sectarianism" and how prosecuting this conduct was necessary and proportional to achieve one of the legitimate objectives of permissible restrictions to freedom of opinion and expression under international human rights law.

638. These allegations echo those concerning Mr. Nasser Bin Ghaith, an Emirati scholar, economist, and human rights defender who, similarly, posted criticism of Emirati and Egyptian political leaders and their policies on Twitter. Mr. Bin Ghaith was charged with crimes under the Penal Code, the Cybercrime Law, and the Counterterrorism Law, on the basis that he intended to "harm the reputation and stature of the State" and had met with political activists considered terrorists by Emirati authorities. As a result, he has been sentenced to ten years imprisonment. The Special Rapporteur is deeply troubled by allegations indicating that Mr. Bin Ghaith has been subjected to torture and ill-treatment, including sleep deprivation and severe beatings.